MISSISSIPPI LAW JOURNAL

PROCEEDINGS
MISSISSIPPI STATE BAR

SIXTY-FIFTH ANNUAL MEETING

COMMENTS

**TRESPASSERS, LICENSEES, AND INVITEES—
ARE THE DISTINCTIONS NEEDED?**

**DUE PROCESS OF LAW IN MISSISSIPPI COURTS:
IMPLICATIONS OF ERRONEOUS JURISDICTION
UNDER § 147 OF THE CONSTITUTION OF 1890**

Fall 1970

VOLUME XLI **NUMBER 4**

MEMPHIS, TENNESSEE, CENTER OF THE MID-SOUTH.
FIRST NATIONAL BANK OF MEMPHIS, CENTER FOR
BROAD RANGE TRUST SERVICES IN THE MID-SOUTH.

RESEARCH ASSISTANCE AVAILABLE TO MISSISSIPPI LAWYERS

Take advantage of the library facilities of the University of Mississippi School of Law by sending your legal problems to the Phi Alpha Delta Legal Research Exchange. The Exchange will research your problem utilizing materials from any and all jurisdictions which you may wish consulted. We can provide excerpts and quotations from the courts of all fifty states. Qualified, upper class students will research your problem for the nominal cost of $5.00 per hour plus a base fee of $5.00 for each problem handled by the Exchange. All profits of the Exchange are given to the Ole Miss Law Alumni Fund which channels them to the library of the School of Law. The Exchange operates year round. For further information write or call:

LEGAL RESEARCH EXCHANGE
School of Law
University, Mississippi 38677
Phone 232-7361

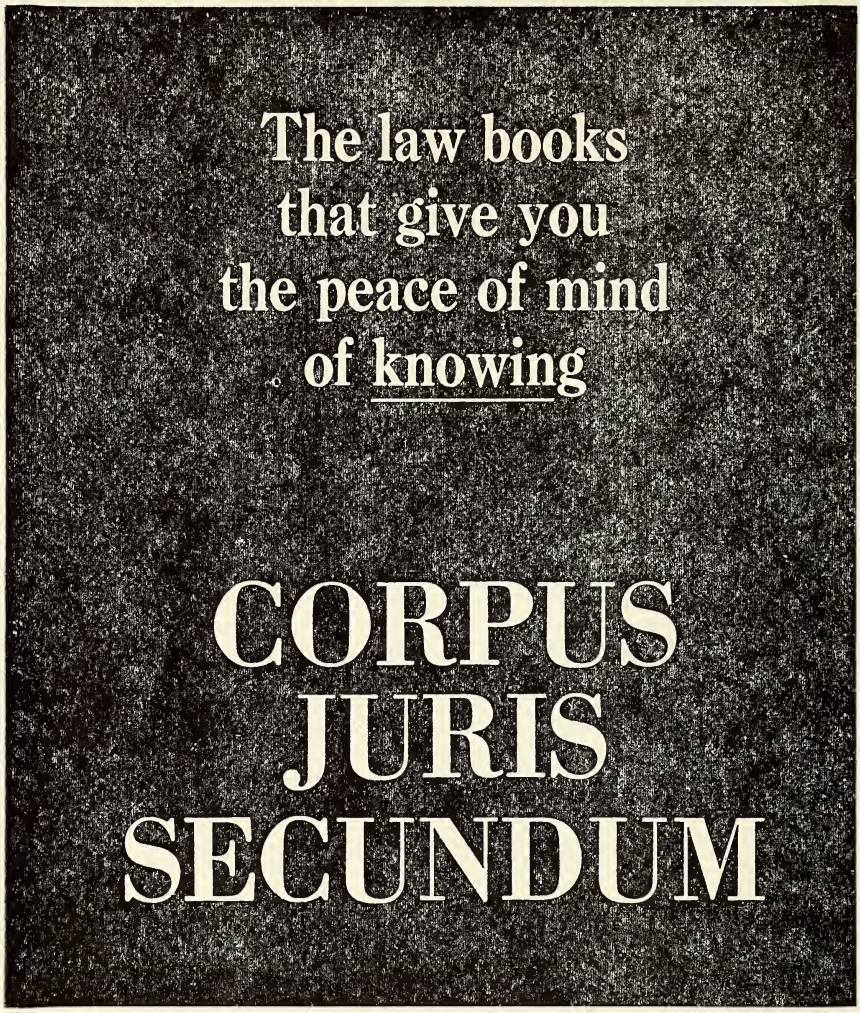
Our services at your call...

Mississippi's largest fully-staffed Trust Department welcomes the opportunity to cooperate with attorneys in serving the needs of their individual and industrial clients. Any service we can render in matters involving trusts, wills, estates, pension programs and retirement plans is available to you on call. We look forward to hearing from you at any time.

TRUST DEPARTMENT

DEPOSIT GUARANTY NATIONAL BANK

GROW WITH US/JACKSON, MISS./MEMBER F.D.I.C.



This modern, complete encyclopedia gives you the assurance of knowing. . . .

- **you have the answer to every case law question that you may be asked;**
- **you have all the law, even the exceptions to the rule;**
- **your answer is based on all decisions reported in the National Reporter System.**

West Publishing Co., 50 Kellogg Blvd., St. Paul, Minn. 55102

Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR
MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS
MEMBER OF SOUTHERN LAW REVIEW CONFERENCE

VOLUME XLI **FALL 1970** **NUMBER 4**

CONTENTS

PROCEEDINGS OF THE MISSISSIPPI STATE BAR

Boyce Holloman, *President's Report* 511
Henry L. Pitts, *Legal Ethics in the Courtroom* 516
Edward L. Wright, *The New Code of Professional Responsibility* 523
Roger C. Landrum, Hugh Clayton, John C. Satterfield, and Francis Bowling, *Symposium on the New ABA Code of Professional Responsibility* 527
Tom Davis, *Aviation Law Practice* 532
Bidwell Adam, *The Case of Casey Jones* 537
William A. Bacon, *Incoming President's Remarks* 540

PROCEEDINGS OF THE JUNIOR BAR SECTION

Frank Crosthwait, *ABA Convention Report* 544
Pat H. Scanlon, *President's Report* 545
Joe Mullen, *Young Lawyers' Challenge to the Bar* 549
Frank Crosthwait, *Incoming President's Remarks* 553
William V. Alexander, *Crisis in Rural America* 555

DEAN'S MESSAGE

Dean Joel W. Bunkley, Jr., *University of Mississippi Law School Report* 560

STUDENT COMMENTS

Trepassers, Licensees, and Invitees: Are the Distinctions Needed? 562
Due Process of Law in Mississippi Courts: Implications of Erroneous Jurisdiction Under § 147 of the Constitution of 1890 578

STUDENT NOTES

Evidence—The Admissibility of Computer Print-Outs of Business Records 604
Constitutional Law—Procedural Guidelines Involved in Municipal Control of Motion Pictures 611
Constitutional Law—Welsh v. United States: Once Again —New Guidelines on Conscientious Objections 618
Labor Law—The Policies and Decisional Processes in the Boys Markets Decision 626

RESOLUTIONS 634
DIRECTORY OF THE MISSISSIPPI STATE BAR 639
GENERAL INDEX OF VOLUME XLI 683

Entered as second class matter, November 25, 1936, at the Post Office at University, Mississippi, and Baton Rouge, Louisiana, under the Act of Congress of March 3, 1879.
Published in Winter, Spring, Summer, and Fall
$5.00 Per Annum $2.00 Per Current Number
EDITORIAL AND BUSINESS OFFICE, UNIVERSITY, MISSISSIPPI

Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR
MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS
MEMBER OF SOUTHERN LAW REVIEW CONFERENCE

VOLUME XLI **FALL 1970** **NUMBER 4**

MEMBERS OF THE LAW JOURNAL COMMITTEE

THOMAS R. ETHRIDGE, *Chairman*
Oxford

JOEL BLASS, *Vice-Chairman*
University
JACK W. BRAND
Jackson
THOMAS A. COLEMAN
Ackerman
ROBERT W. ELLIOTT
Ripley
PAT D. HOLCOMB
Clarksdale
ROBERT C. KHAYAT
University
JAMES W. O'MARA
Jackson
JAMES HUGH RAY
Tupelo
ROBERT T. RISER
Batesville
JOEL P. WALKER, JR.
Hernando

MISSISSIPPI STATE BAR

1970-71

OFFICERS

WILLIAM A. BACON of Jackson ..... President
LESTER F. SUMNERS of New Albany ..... President-Elect
PAT H. SCANLON of Jackson ..... Second Vice-President
GEORGE VAN ZANT of Jackson ..... Executive Director and Secretary-Treasurer

COMMISSIONERS

FRED WICKER ..... Pontotoc
KOSTA N. VLAHOS ..... Biloxi
THOMAS R. ETHRIDGE ..... Oxford
FRED DELONG, JR. ..... Greenville
FRANK M. DERAMUS ..... Louisville
GRAHAM HICKS ..... Natchez
WILLIAM BARBOUR, JR. ..... Yazoo City
DANNY L. HUNTER ..... Forest
JOHN W. PREWITT ..... Vicksburg
JOE CLAY HAMILTON ..... Meridian
T. N. GORE, SR. ..... Marks
JAMES F. MCKENZIE ..... Hattiesburg
C. D. PITTMAN ..... Raleigh
HARRY O. HOFFMAN ..... Hazlehurst
WILLIAM E. ANDREWS, JR. ..... Purvis
TAYLOR B. SMITH ..... Columbus
JOHN W. WHITTEN ..... Sumner
JON A. SWARTZFAGER ..... Laurel
WILLIAM B. JONES ..... Pascagoula

Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR
MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS
MEMBER OF SOUTHERN LAW REVIEW CONFERENCE

VOLUME XLI **FALL 1970** **NUMBER 4**

THE LAW JOURNAL EDITORIAL BOARD

KENNETH A. RUTHERFORD
Editor-in-Chief

ROBERT E. HILTON
Managing Editor

GRADY F. TOLLISON, JR.
Business Manager

EARL F. FORTENBERRY, JR.
Article Editor

C. GRAY BURDICK
JAMES S. ARMSTRONG
Research Editors

JAN P. PATTERSON
Comment Editor

ALAN E. MICHEL
Index and Review Editor

RICHARD L. FORMAN
Note Editor

STEPHEN O. MOORE
Special Projects Editor

ROBERT C. KHAYAT
Faculty Advisor

THE LAW JOURNAL STAFF

Gregory Boyd
Arlen B. Coyle
Henderson S. Hall
Benjamin A. Hardy
Ina B. Leonard
James S. McDonald
Richard T. Phillips
Thomas W. Tyner

The JOURNAL seeks to print matter of merit and interest; being desirous of offering freedom to contributors, it assumes no responsibility for the views expressed herein.

BOYCE HOLLOMAN

Retiring President of the Mississippi State Bar

PROCEEDINGS OF THE SIXTY-FIFTH ANNUAL MEETING OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on June 26 and 27, 1970

The First General Session of the Mississippi State Bar was called to order at the Broadwater Beach Hotel, Biloxi, Mississippi, on June 26, 1970, by Hon. William A. Bacon, President-elect of the Mississippi State Bar.

The invocation was given by Mr. Ronnie Parker, Youth Director of the First Baptist Church, Gulfport, Mississippi.

Mrs. Clare Hornsby, President of the Harrison County Bar Association, delivered the welcoming address.

President-elect Bacon introduced Hon. Joe N. Pigott, who delivered the following address for Hon. Boyce Holloman, President of the Mississippi State Bar, who was ill:

PRESIDENT'S REPORT*

Joe N. Pigott for Boyce Holloman

Thank you, Mr. President. Distinguished guests, fellow members of the Mississippi State Bar Association and friends: Boyce Holloman, our president during the past year, has worked diligently for the programs of the organized bar of this state during a most eventful year. He represented our state bar association at the meetings of several other state bar associations and at the annual meeting of the American Bar Association.

The year 1969-1970 saw many changes and unusual happenings in the legal profession. This administration started off, as do most administrations, with the appointment of committees and lining out various work projects. Then came Hurricane Camille and the development of a whole new program. The hurricane disaster left many hundreds of families in the Gulf Coast area in a position of needing legal help, but unable to know where to find that legal assistance or the money to pay

* This address has been abridged by the editor.

for it. An emergency grant of $50,000 was obtained from the Office of Economic Opportunity, and legal services offices were opened in Bay St. Louis, Biloxi and Gulfport. In addition, the bar associations in Jackson County, Stone County, Pearl River County and Marion County volunteered their services in assisting the poor in those counties affected by the hurricane. In addition the South Central Bar Association, composed of Forrest, Lamar and Perry Counties, set up its own program to provide legal services in those areas.

To help provide this legal service, the Mississippi State Bar, through the Legal Services Program, leased a motorized mobile home which was utilized in reaching the poor in those counties and outlying areas. This motorized mobile unit and the Legal Services Offices in Biloxi and Gulfport were staffed in the beginning with volunteer attorneys from across Mississippi. Over thirty lawyers volunteered to serve one week in this area at their own expense. This volunteer program was set up by the Junior Bar Section, and it was through this volunteer effort that the legal services program for the Hurricane Camille area was such a success.

The thousands of cases handled by the legal aid program resulted in a net recovery to clients of over one million dollars on their insurance claims growing out of the disaster without the charge of a single legal fee. You have but to ask any one of thousands of persons who benefited from this program to find the tremendous esteem with which they regard the Mississippi State Bar because of our efforts following Hurricane Camille.

Needless to say, the one single question most often repeated about the disaster program is, "How did legal services function so quickly, so well, and at so little cost?" The answer to that question is simply that it was under the control of the organized bar. We engaged in legal practice for the poor and dealt with their problems. We did not create problems; we did not organize demonstrations; we did not print political literature; we did not encourage litigation in violation of our canons of ethics; we did not set race against race; we just practiced law for the poor—black and white. This is my concept of legal services to the poor. A real, vital program manned by legally trained professional persons and lay personnel and operated within the canons of ethics under the organized bar itself. Any other concept, in my opinion, does an injustice to the very profession we serve.

I am sorry to report this is not the concept of those in authority in the Office of Economic Opportunity. We have offered to take over the legal aid program on a statewide basis. We have filed objections to North Mississippi Legal Services. I, together with President-elect Wil-

liam Bacon, personally went to Washington, D. C., and met with Mr. Dick Chaney and Frank Jones of the Office of Economic Opportunity. Clark Reed, who rendered every valuable assistance that he could, also went in our behalf. We were courteously received and asked to file a report, which we did, and got a prompt notice overruling our objections and funding a renewal of North Mississippi Legal Services.

Although we were advised that no funds were available for our statewide program, there has now been filed and, I understand, is being approved, an application to fund the Lawyer's Committee for Civil Rights, a group organized by the President of the American Bar Association, Hon. Bernard Segal. This organization, we were advised, would be removed from our state as soon as the state organized bar was willing to assume the responsibility of legal services for the poor.

We have demonstrated our willingness and ability to administer a legal aid program. The Legal Services to the Poor Committee, headed by Hon. Thomas Minniece of Meridian, developed a statewide corporation known as Mississippi Legal Services, Inc., for the purpose of working with local bar associations in establishing legal service offices throughout Mississippi. We filed application for funds on behalf of the organized bar, yet it was refused. I have filed an objection to this grant to the Lawyer's Committee for Civil Rights, as has the Hinds County Bar Association.

This program is not peculiar to Mississippi. The President of the Missouri Bar Association and dozens of lawyers from Missouri talked to Office of Economic Opportunity representatives about legal services being administered by the organized bar of their state. They, too, were received courteously, but their application for funds was denied.

I realize this is an issue about which vast differences within our own bar association exist, but I cannot see why we cannot agree on one basic conclusion: that the practice of law within our state should be supervised by lawyers, just as the practice of medicine is supervised by doctors.

The Criminal Law Committee, headed by Hon. Howard McDonnell of Biloxi, staged a one day criminal law seminar which featured well known criminal defense attorneys, Grant Cooper of Los Angeles and Irving Dymond of New Orleans. In addition, the Admiralty and Maritime Actions Committee staged the first Admiralty Seminar that has been held by the Mississippi State Bar.

The Law School Liaison Committee, headed by Hon. Sammy Smith of Corinth, met with students of the University of Mississippi Law School to discuss with them what the organized bar could do to help

in preparing students for entering the legal profession. It was unanimously agreed that the bar needed to cooperate with the school in developing an internship program. This September senior law students will go to work with prosecuting attorneys learning about criminal prosecution work. In September, 1971, it is anticipated that the law school will receive a grant from the Council on Legal Education and Professional Responsibility which will finance students interning in the law offices of general practitioners. The purpose of the program is to prepare senior law students to enter the practice of law. The students will spend approximately nine months in law offices and will handle cases from beginning to completion, including courtroom appearances with the attorney under whom they are interning. We believe this is a significant step in aiding law students to prepare themselves better to enter the legal profession and thereby shorten the time required before they can adequately represent clients in all courts of law.

Study has been given by the bar association this year to the development of a para-professional training program which could be done through our junior colleges. This program will train lay personnel to work in law offices and to do much more than secretarial-type work. These persons, male or female, would be prepared to research the law, prepare briefs, and do all other things that take so much of the lawyers' time. The legal technicians would help the lawyer in all of the pretrial preparation. This program has been successful in other parts of the country, and it is hoped that it can be developed in Mississippi on a very profitable scale for both the workers in the law offices and the lawyers themselves. The University of Denver has recently installed a full time course called "Career in the Law." I have directed this information to the presidents of the junior colleges in this area with the hope that such a program could be instituted in Mississippi. We are woefully short of trained legal personnel, and the organized bar must take steps to do something about it.

In the area of economics of law practice we have developed an economic survey which was prepared and mailed to each member of the bar by the Economics of the Law Practice Committee, chaired by Lester Summers of New Albany. The results will be computerized and analyzed to determine what lawyers are making in various parts of the state from the practice of law and how they can increase their income. In addition, we expect to develop a new suggested minimum fee schedule for the state bar from this survey.

Other programs in which the state bar engaged during the past twelve months included the Memorial Service at the opening of the Mississippi Supreme Court for more than fifty lawyers who died during the preceding year.

When the legislature met last January, it became apparent that a special effort was going to be needed to get the salaries of our trial court and appellate court judges increased. As a result, I appointed all living past presidents of the Mississippi State Bar to a special committee on judicial salaries, headed by Hon. Bidwell Adam of Gulfport, to work with the appropriate legislative committees in getting this bill passed. We were successful in obtaining a substantial increase in salaries for all of our judges. We feel that this will be one major step in keeping competent judges on the bench.

Our Judicial Administration Committee, headed by Judge Lunsford Casey of Laurel, made several recommendations on studies to be done in the area of the administration of justice. One of these studies dealt with the development of pattern jury instructions. Another is to investigate the possibilities of changing the state laws to allow judges to run for election without political party designation. Other study was given to methods of serving process and related matters.

We concluded the year with two quick projects which received substantial notice. One was the Law Day program, headed by Hon. Joseph R. Meadows of Gulfport, in which more than 180 lawyers appeared in high schools throughout Mississippi to discuss law and justice with the students. In addition, a film was prepared through the assistance of the Mississippi Broadcaster's Association. It was shown on eight television stations in Mississippi. Its theme was "Law, the Bridge to Justice." We are deeply indebted to Ray McGraf, Production Manager of WJTV in Jackson, for the development of this program.

Last week a national meeting of reserve officers in the Judge Advocate General's Department opened a two-week school in Hattiesburg at the University of Southern Mississippi. The Mississippi State Bar cosponsored a reception for these several hundred JAG officers who are visiting our state for the third straight year.

A study was begun on the development of a new Canon of Ethics for the Mississippi State Bar to comply with the Canons of Ethics recently adopted by the American Bar Association. This afternoon there will be a complete discussion on the subject by the Hon. Edward L. Wright, President-elect of the American Bar Association, and a special committee to study the ABA canons, headed by the Hon. Gibson Witherspoon, has been established.

I am deeply convinced that the first project of the Mississippi State Bar is to police our own ranks and to closely investigate those who seek admission to practice law within this state. After having served as President of the Mississippi State Bar for this year, I still have never had an opportunity to meet with the Bar Examiners who are admitting

persons to practice law within our state. We have no adequate measure to investigate the moral turpitude and character of our applicants. Strangely enough, there is no connection between admission of practitioners to practice and the supervision of their conduct after admission. We are now imposing this duty on local lawyers who are often involved in litigation with their fellow attorneys.

Disbarment proceedings are slow and cumbersome and require substantial proof. I strongly recommend that the bar set about creating its own police body within the framework of the Complaint and Ethics Committee, but with the power and facilities to properly investigate, power to vindicate where needed. It should also furnish evidence for disbarment proceedings.

The state bar has had some very complex problems confronting it during the past year, but through concerted efforts and cooperation by its members, officers, and commissioners, we were able to meet many of these problems and arrive at satisfactory solutions. It has been a pleasure serving you as president of the state bar during this year, and I look forward to working with Billy Bacon and his administration during the next twelve months. I thank you.

President-elect Bacon recognized Hon. Edward L. Wright, President-elect of the American Bar Association; Hon. Joe Henry, President of the Tennessee Bar Association; Hon. Bob Polack, President of the Louisiana Bar Association; Hon. Pat Richardson, President of the Alabama Bar Association; Hon. Burton Young, President of the Florida Bar Association; and Hon. Jack Deacon, President of the Arkansas Bar Association.

President-elect Bacon then introduced Hon. Henry L. Pitts, President of the Illinois Bar Association and Fellow of the American Bar Foundation and American College of Probate Counsel, who delivered the following address:

LEGAL ETHICS IN THE COURTROOM*

Henry L. Pitts

One of the proudest accomplishments of our administration of the Illinois Bar Association during the past year has been an in-depth study by many committees of the new code of ethics. The Code has now been

---

* This address has been abridged by the editor.

adopted in Illinois with virtually no change with the exception that we added what was old Canon 16 as part of new Canon 7, which relates to the obligation of a lawyer to preserve decorum in the court and prevent his clients from doing those things in the court which he himself should not do. I commend the Code to you, and I hope that you will join us in approving it at your convention.

In his message to the American Bar Association at the annual meeting in Dallas in 1969, President Nixon reminded us, as representatives of the law: "The sensitive balance between freedom and authority, which is a cornerstone of our democratic society, rests largely on the part you play in our courtrooms." As Mr. Justice Hugo Black recently said, our courts are the "palladiums of liberty." It, therefore, comes as a real shock to most of us, particularly those of us who have been trained in and revere the law, to witness the widespread and menacing attacks during recent months upon the holding of trials.

It has not been limited to the so-called "Chicago 7," which occupied the headlines for four and a half months last fall and winter. It has erupted literally throughout the nation—in New York City, New Haven, California, and elsewhere.

It is all the more menacing because it is only a part of the mounting tide of violent assault upon most of the institutions upon which ordered liberty in our representative democracy depends for survival. Witness, for example, the violence and destruction on our college campuses. Professor Philip Kurland of the University of Chicago Law School, described in a very forboding speech what is going on in the universities and what he called the "new university." He said the new university man is distinguished from his predecessor in that he rejects the life of the mind and the use of reason in seeking solutions to our social and political problems.

Throughout history street demonstrations have been a favorite tactic of supporters of dictatorships and tyrants. I noted recently in a biography of one of Adolph Hitler's lieutenants, Dr. Goebbels, the following quotation:

> Whoever can conquer the street will conquer the state one day, for every form of power politics and any dictatorially run state has its root in the street. We cannot have enough of public demonstrations, for that is far and away the most emphatic way of demonstrating one's will to govern.

I spent the last year going to and from our new federal building in Chicago and the new civic center where the state courts are located. Throughout the year there have been demonstrations going on. One of

the last was the demonstration demanding civil rights by the Women's Liberation Group. Another was held by the Gay Liberation Movement. We had scores of policemen out to protect the citizens. It makes you realize what a fragile thing the rule of law really is.

Mr. Justice Black, in a case decided a number of years ago, addressed himself to this question of intimidating tactics in and about courtrooms. At that time he was in the minority. Justice Black said:

> The very purpose of a court system is to adjudicate controversies, both criminal and civil, in the calmness and solemnity of the courtroom according to legal procedures. Justice cannot be rightly administered, nor are the lives and safety of prisoners secure, where throngs of people clamor against the processes of justice right outside the courthouse or jailhouse doors. The streets are not now, and never have been, the proper place to administer justice. Use of the streets for such purposes has always proved disastrous to individual liberty in the long run, whatever fleeting benefits may have appeared to have been achieved. And minority groups, I venture to suggest, are the ones who always have suffered and always will suffer most when street multitudes are allowed to substitute their pressures for the less glamorous but more dependable and temperate processes of the law.

The attorneys and defendants in the "Chicago 7" trial were not the inventors of what the papers have called "guerrilla theatre" as a substitute for orderly and fair trial conduct.

The May 15, 1970, issue of *U.S.A.* contains some interesting information on the subject of courtroom conduct excerpted from a 1933 publication which was made at the direction of the Third Congress of the Communist International in 1921 advising Communists on trial as follows:

> The worker must learn to carry into the courtroom the same determined militancy that brought him there. . . . It is absolutely essential to remember that the policeman arresting you is a servant of the boss class. . . . He is your enemy. Give him no information of any kind whatsoever, either about yourself or your fellow workers, or any organization which you belong to, or in which you are interested. . . . Bring out the class issues at the trial. . . . By the strength of your cause, make capitalism the defendant and yourself the prosecutor. . . . Demand a working class jury. . . . At the time of sentence, the judge or clerk will ask 'What have you to say why sentence should not be pronounced upon you?' Take advantage of this opportunity to state why you should not be sentenced. . . . A most important consideration, as already mentioned, is to use the capitalist court as a forum. . . . On the date of the trial, there should take place a demonstration in front of the court

house. . . . Similar demonstrations should be arranged for the date nearing the end of the trial.

Now listen to these assertions of two of the "Chicago 7" defendants:

Defendant Hoffman (attacking the "Establishment" and urging its destruction):

We need to expand our struggle to include a total attack on the courts. The court system is just another part of this rigged apparatus. . . . (*Judicature*, Jan. 1970).

Defendant Hoffman: It's going to be a party from now until the trial is over. (*Look*, Dec. 16, 1969). *Jerry Rubin:* According to a west coast columnist, Rubin wrote for the *Berkeley Barb* in 1968: We must attack the myths surrounding the courts as ferociously as we have attacked the myths of war, apple pie, your friendly neighborhood cop, and 'free elections.' . . . American courts are the nation's toilets. . . . To challenge the courts to attack American society at its roots. [*Chicago Tribune*, Feb. 23, 1970; *Liberty Under Law, Anarchy, Totalitarianism—This is the Choice, ABA*, p. 33, July, 1969.]

This practice of anarchy in the courtroom first was used most widely, I think, or more widely noted, in the Nazi Seditionists Trial before Judge Edward C. Eicher (D.D.C., 1944). Judge Eicher tried to conduct the trial of the Nazi Seditionists, and after seven months of abuse and hell-raising by the counsel and the defendants, covering I think around 16,000 pages of mainly colloquy and precious little evidence, the judge died. The defendants were completely victorious, for they were never again brought to trial.

Until recently, the most celebrated case in this area was the trial in New York of Eugene Dennis and ten other leaders of the Communist Party before Judge Harold Medina. For nine months Judge Medina was subjected to outrageous conduct by some of the attorneys as well as the defendants themselves—insults, delays based upon frivolous grounds, flagrant disregard of the proprieties of the courtroom—all of course aimed at goading the judge into committing error or breaking his health, and they came very close to doing the latter, certainly.

The aftermath of that case before Judge Medina offers us precedent and guidance that should be helpful in the future. At least two of the most contemptuous lawyers in the case were involved in a series of subsequent actions in both federal and state courts. Those cases bring out the fact that we must not confuse the power of a court to punish for contempt with the power of the admitting authority to discipline any attorney licensed by it.

One of the defendant's lawyers in the Medina trial was a New

Jersey lawyer by the name of Abraham Isserman. Isserman was adjudged guilty of criminal contempt before Judge Medina and was sentenced to six months in jail. The action was affirmed on appeal. In addition, he was suspended from practicing before the United States District Court for the Southern District of New York, and later he was disbarred from practice before the United States Supreme Court.

Isserman, being a member of the New Jersey Bar, was also the respondent in disciplinary charges promptly commenced by the Ethics Committee of the Essex County Bar Association, although no order of disbarment was entered until the federal proceedings had been heard on review.

On the basis of the record in the federal case, Isserman was disbarred for violating ABA (and New Jersey) Canon 1 of Ethics. The opinion in the unanimous decision was written by Chief Justice Arthur T. Vanderbilt. He said that Isserman's conduct was in violation of Canon 1, which says:

> 'It is the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance;' Canon 29 requiring a lawyer to 'strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice;' and Canon 32 admonishing every lawyer against rendering 'any service or advice involving disloyalty to the law whose ministers we are, or disrespect to the judicial office, which we are bound to uphold' and warning that such improper service or advice 'invites and merits stern and just condemnation.'

The new Code of Professional Responsibility contains nearly identical provisions. For example, Canon 7 states that a lawyer should represent his client zealously within the bounds of the law. The more specific disciplinary rules expressly prohibit a lawyer from disregarding or advising his client to disregard any standing rule or a rule of a tribunal made during the course of a trial [DR 7-106 (A)]. The Disciplinary Rules prohibit the trial attorney from engaging in discourteous conduct which is degrading to a tribunal and from intentionally or habitually violating any established rule of procedure or evidence. [DR 7-106 (C)].

The New Jersey Supreme Court disbarred Isserman, and the United States Supreme Court later denied a petition for certiorari. [9 N.J. 269, 87 A.2d 903 (1952), 345 U.S. 927].

Justice Vanderbilt pointed out the distinction between contempt and disbarment proceedings. He said:

> The respondent [Isserman] is not now charged with contempt of court but with misbehavior in his office of attorney. . . . A contempt proceeding for misbehavior in court is designed to vindicate the authority of the court; on the other hand, the object of a disciplinary proceeding is to deal with the fitness of the court's officer to continue in that office, to preserve and protect the court and the public from the official ministration of persons unfit or unworthy to hold such office.
>
> . . . .
>
> The flagrant and intentional disregard for the proprieties of the courtroom exhibited by the respondent constitutes misconduct so closely related to and so potentially destructive of the due administration of justice as to warrant the severest discipline.

It was also argued, both in the New Jersey and federal proceedings, that Isserman was working under trying circumstances because of the conduct of his clients and that he was only doing his best to defend them and fulfill his obligation to them. This plea was rejected, on the ground that no trial can be fair without order in the court and that a lawyer does a disservice to his client if he fails to conduct the defense in accordance with established rules of professional conduct.

There is no conflict between this duty and the obligation of every lawyer to defend his client with fidelity and undivided loyalty, including vigor and courage in pressing his arguments, notwithstanding the real or apparent attitude of the trial judge.

This was made abundantly clear by Justice Jackson, speaking for the United States Supreme Court, when he said:

> But that there may be no misunderstanding, we make clear that this Court, if its aid be needed, will unhesitatingly protect counsel in fearless, vigorous and effective performance of every duty pertaining to the office of the advocate on behalf of any person whatsoever. But it will not equate contempt with courage or insults with independence. It will also protect the processes of orderly trial, which is the supreme object of the lawyer's calling.

The barrage of comments in the press and over the air waves following the "Chicago 7" trial, were mostly either pro-Kunstler or pro-Judge Hoffman. Even the most ardent adherents of Kunstler rarely denied that his conduct was unorthodox at best. They rejoined by saying it was judicially provoked.

Since the appeals from the contempt sentences are pending, I shall not speak on this subject. But it is not inappropriate to point out that Kunstler has since been quoted as telling an audience at the University of Rhode Island that:

> Another judge would not have made a difference . . . for the judge was someone whose power and status is invested in the system and therefore had to squelch anyone who threatened that system. [*Freeport Journal-Standard*, April 10, 1970].

In other words, it was the court system, not the judge personally, that he was flaunting.

As he was quoted in the *National Observer*, he said that he realized during the course of that trial that he could not act as an officer of the court and do what he thought he should do. He said that he had been radicalized—those are his words—because his clients were being tried at all, and because of pickets around the courthouse with their signs chanting, "Stop the trial; stop the trial." The proceedings in the courtroom were the lawyers' sophisticated version of that chant.

Kunstler denied that he was an officer of the court. He has been quoted in the *National Observer* as saying that he realized that if he had acted as an officer of the court that he would be hurting his clients because " . . . they were using the courtroom to protest what was happening to them. I would be cutting off their forum and possibly lose my credibility with them."

There is heartening evidence that the judges do realize what is going on and are sensitive to it. In all of the torrent of comment about the shackling of Bobby Seale, there was virtually nothing said about the dilemma that the judge was confronted with. The judge either had to declare a mistrial with respect to Seale, or he had to gag and shackle him. He had to because the Court of Appeals in our own circuit a few months before had held that a criminal defendant could be bound and shackled, but that he could not be removed from the courtroom during the course of his trial because that would be a denial of his right to confront the witnesses protected by the Sixth Amendment of the United States Constitution. [*Illinois v. Allen*].

Mr. Justice Black wrote the opinion in the Allen case, and he said that the flagrant disregard in the courtroom of elementary standards of proper conduct should not and cannot be tolerated, that one of the options open to the judge was not only shackling a man or sentencing him for contempt, but that he could also be removed from the courtroom while the trial proceeded if his conduct prevented the trial from going ahead in any manner.

In his concurring opinion, Mr. Justice Brennan went to the heart of the matter. He reminded us that the American dream of a society where all men are free and equal has not been an easy thing to realize and that it is under continuing challenge. He quoted from Lincoln's

Gettysburg address about whether such a government so dedicated can long endure. Mr. Justice Brennan answered in these eloquent words:

> It cannot endure if the Nation falls short on the guarantees of liberty, justice, and equality embodied in our founding documents. But it also cannot endure if we allow our precious heritage of ordered liberty to be ripped apart amid the sound and fury of our time.

A nationally syndicated columnist recently stated it well in a challenge to us as members of the legal profession. Regarding the new phenomenon of disruptive tactics in the courts, William S. White had this to say:

> The plain, the incredible and frightening truth is that the central pillar of our whole free society, a system of justice that is the finest work of a thousand years of Anglo-American heritage, is in clear and imminent danger from a studied campaign to besmirch it and to smash it, and only the legal profession can save it. We have the means, we have the rules—let us have the will to do so.

Hon. Gibson B. Witherspoon, moderator of the panel on the new Code of Professional Responsibility, then introduced Hon. Edward L. Wright of Little Rock, Arkansas, President-elect of the American Bar Association, who delivered the following address:

THE NEW CODE OF PROFESSIONAL RESPONSIBILITY*

Edward L. Wright

The Committee that drafted the Code of Professional Responsibility was appointed in 1964 with a commission to study the existing Canons of Professional Ethics and to make recommendations for changes therein. The Canons of Professional Ethics were adopted in 1908 with piecemeal amendments over the years totaling forty-seven in number. The canons were little more than a rewrite of the very admirable canons of ethics of the Alabama State Bar Association, adopted in 1887, and these in turn were a bodily lift of the lectures of Judge George Sharswood of Philadelphia published in 1854, which were modeled on the David Hoffman lectures of 1814.

In the latter part of the twentieth century we found that lawyers were guided, inspired, and disciplined, if at all, under a canonical system that was rooted in the practices, the customs, and the language of the mid-nineteenth century. The Canons of Professional Ethics, honorably

---

*This address has been abridged by the editor.

conceived as they were, had four principal deficiencies that four prior committees had recognized but had done nothing about.

These deficiencies were, first, that many of the canons that were sound in substance had been awkwardly or deficiently stated and were in need of editorial revision.

Second, the canons are not effective teaching instruments. My friends of the academic cloth assure me that the students of today are much brighter than the students of the day of the multiple of you and me, and that no longer do they accept our cherished fiats. They want a reason for the rule, or the rule will be ignored and assaulted. I am on record on many occasions in many places in condemnation of much of what occurs on campuses today under the guise of peaceful dissent and protest. But I am in complete sympathy with the student of today who no longer is willing to take a rule simply because it has been on the books forever if the rule cannot be justified in reason and in practice.

Third, there is no inter-relationship of one canon to another. For example, trial conduct would be found scattered through seventeen separate canons, from four to thirty-seven. Acceptance and retention of employment is talked about in eleven different canons.

Fourth, as perhaps a subheading under the lack of organization, is the fact that there is no clear delineation between the inspiring, the teaching, the guiding, the leading on the one hand, and the proscriptive on the other.

Last, there is a change in society, of which lawyers are a part, that requires the statement of new principles of professional conduct in areas totally uncovered by the present Canons of Professional Ethics.

With no firm feeling as to how revision might be adopted, we labored and struggled in our own sweat and tears for two years before a structure of the Code evolved. It is fundamental that an ethical climate, whether for ministers, dentists, plumbers or tradesmen of any character, is maintained in advance by only two forces: one in the conscience of the morally aware profession, and the second is the disciplinary sanctions that must be invoked against those who step below the minimum standards.

The Code consists of three separate, yet related, parts. First, there are nine canons which do not compress or distill the forty-seven canons of the old Canons of Professional Ethics, but which are totally different. Next come ethical considerations and last, disciplinary rules.

The nine canons are single sentence, axiomatic statements of obligations of lawyers in the three areas in which we act—in relation to

the system, in relation to the legal profession, and in relation to the public we serve.

Grouped under each canon are ethical considerations and disciplinary rules. Ethical considerations are not mandatory in character. They seek to set a higher level to which the aspiring may look for guidance and for encouragement. They state the higher levels of activities of lawyers, which cannot be ordained except through appeal to reason and to conscience. The disciplinary rules are the "Thou Shalt Nots" of the Code, the black letter statute that sets with specificity the minimum standard to which every lawyer must adhere or else be subject to disciplinary action.

The Code does not do three things: first, it does not endeavor to specify, suggest or require any particular disciplinary force. There is in existence a counterpart committee to the one that drafted the Code known as the "Special Committee for Evaluation of Disciplinary Standards" headed by Mr. Justice Thomas C. Clark of the Supreme Court of the United States, retired. This committee will bring out a report for submission to the House of Delegates of the American Bar Association this August, and this relates to the policing of our own ranks, about which all of us can generically hang our heads in shame up to the present time. It is a fact of history that lawyers, generally, have done an extremely poor job of cleaning their own houses. But more important than ridding the profession of those in it who are undesirable is the maintenance of standards that will exclude on the front end those who are unworthy.

Second, the Code does not purport to suggest or to set standards of civil liability against lawyers for their professional conduct.

Third, the Code does not relate to judges as such. The Code does relate to all lawyers, regardless of the area in which they may operate, whether they are civil practitioners, criminal practitioners, law teachers, government employees, corporate employees or judges. But there is at work a concurrent committee of the American Bar Association known as the "Special Committee on the Evaluation of Judicial Ethics" headed by Chief Justice Roger Traynor of the Supreme Court of California, retired, that is addressing itself to the subject of judicial ethics.

The Code does many things that the Canons of Ethics do not purport to do. First, there is a new canon on competence.

Until the adoption of the Code, the legal profession was the only learned group that had no standard of competence. I could have been licensed, as I was, in 1925, never opened a book from that day to this,

and yet maintained my license in good form. I could be neglectful to the gross detriment of my client, to the depravation of his life, property or liberty and never be subject to disbarment because of that conscious, intentional, deliberate neglect. The new Code does cover that. It is the belief of those who drafted the Code that lawyers should be subject to discipline if they either incompetently undertake to handle business, or, being competent or incompetent, neglect business entrusted to them.

The Code incorporated bodily that portion of the Reardon Report that dealt with pre-trial and trial publicity.

There is a coverage on a minimum basis of group legal services. The Code does not authorize, sanction or permit group legal services beyond those constitutionally required by the decisions of the Supreme Court of the United States.

The Code speaks in specific terms which, hopefully, will meet the tests of due process. One of the vices of the present Canons of Professional Ethics is that there is overbreadth of statement, the result being that courts cannot uphold convictions in many cases because of a lack of a specific charge.

The Code is now law in fifteen states. The Code was promulgated by the American Bar Association House of Delegates on August 12, 1969. Today it is binding law in Arkansas, Colorado, Florida, Illinois, Kansas, Kentucky, Louisiana, Maine, Nebraska, New Hampshire, New York, Oklahoma, Pennsylvania, Wisconsin and West Virginia—a very imposing area of the nation. The Code has had an acceptance that has amazed all who have had any connection with it.

The Code has been approved by the bar associations of twelve other states, each of which has a petition pending before the court of last resort of the respective jurisdiction asking for promulgation of the Code by that court.

The Code is an imperfect document. It was composed by thirteen human beings who had an often difficult time in reconciling their own views. The Code is a compromise—not of principles—but of fashions, traditions, procedures, and customs under which lawyers practice. The Code represents, we humbly trust, the best distillation possible of the existing canons, decisions, statutes, and traditions.

And so the Code has been submitted to the bar of public opinion and has been accepted, generally speaking, after intense scrutiny. We recommend it for adoption in Mississippi, not because it is our product, but because we feel that, with all of its shortcomings, it is better than what we have now.

Hon. Gibson Witherspoon then introduced Hon. Roger C. Landrum, Hon. Hugh Clayton, Hon. John C. Satterfield, and Hon. Francis Bowling, who held a panel discussion:

THE NEW ABA CODE OF PROFESSIONAL RESPONSIBILITY*

Roger C. Landrum

The first two canons have been assigned to me. The first canon deals with the responsibilities of the lawyer to maintain the integrity and competence of the legal profession.

The thrust of that canon and the thrust of most of the canons is set forth in the first paragraph of the first canon, which says:

> A basic tenet of the professional responsibility of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence.

There is one thing that is implicit in a reading of these canons—that this committee, in its efforts to be perfectly fair, has come up with an admonition to lawyers that they have not only the duty to see to it that incompetent lawyers are not allowed to practice, but also that if for any reason there is some condition which temporarily renders a lawyer incapable from practicing before the bar, and that situation corrects itself, that the other lawyers assist in every way in restoring that person to his rightful place in the practice of law.

The second canon is "A Lawyer Should Assist the Legal Profession in Fulfilling Its Duty to Make Legal Counsel Available."

It is perfectly permissible for a lawyer to advise people as to their rights and any claims he perceives they might have, if he does not do it for the purpose of procuring employment for himself.

It is proper for a lawyer to advise his relatives, his close friends, his present clients or past clients if the claim he perceives them to have is related to any prior representation of his.

Lawyers should not prevail on third parties to have them recommended for representation, and they should never compensate any third parties for this particular reason.

Judges, public officials who are prohibited from practicing law, should see to it that their names are no longer used in the firm name

---

*The remarks of those on the panel have been abridged by the editor.

and that there is no indication that they were previously a member of the firm.

Lawyers are not to hold themselves out as specialists. Admiralty, Trademarks, and Patents are the only exceptions to that canon.

The canons provide specifically, with regard to acceptance of employment, that it is the duty of the bar to accept employment even in cases where the subject matter or the person is repulsive to the lawyer.

A lawyer should not accept employment, however, if his feelings on the repugnance of the subject matter or the person involved are such that they would impair his effectiveness in a trial of that lawsuit. He should not accept if he thinks the case is being filed simply for harassment.

Once having accepted employment, a lawyer should not drop out of the case. He should carry it to completion. If he is compelled to withdraw, he should follow the applicable rules of the court; he should speedily inform his client; he should return to the client all of his papers; he should assist the client in getting new counsel; he should cooperate with the new counsel; if he has been paid a fee or a retainer of any nature, he should return any unearned portion.

Hugh Clayton

Canon No. 3 reads: "A lawyer should assist in preventing the unauthorized practice of law." The prohibition against the practice of law by a layman is grounded in the need of the public for integrity and competence of those who render legal services. A non-lawyer who undertakes to handle legal matters is not governed by the same rules that govern the conduct of a lawyer.

What is practicing law? Fundamentally, the practice of law is the rendition of services for others that call for the professional judgment of a lawyer. Ethical Consideration No. 3-6 reads: "A lawyer often delegates tasks to clerks, secretaries, and other lay persons. Such delegation is proper . . . if the lawyer maintains a direct relationship with his client, supervises the delegated work, and has complete professional responsibility for the work product. This delegation enables a lawyer to render legal service more economically and efficiently."

Ethical Consideration 3-8 says: " . . . a lawyer should not aid or encourage a layman to practice law; he should not practice law in association with a layman or otherwise share legal fees with a layman."

In this particular Canon not only do we call on the legal profession to assist in the prevention of unauthorized practice of law, but we

also do it for our own protection. We have seen the practice of law in many fields whittled away, and it is time for us to become active and diligent.

Canon 4 says: "A lawyer should preserve the confidences and secrets of a client." There are several fundamental statements under the title of Ethical Considerations with regard to this canon:

(1) Both the fiduciary relationship existing between lawyer and client and the proper functioning of the legal system require the preservation by the lawyer of confidences and secrets of one who has employed or sought to employ him.

(2) Unless the client otherwise directs, a lawyer may disclose the affairs of his client to partners or associates of his firm. It is a matter of common knowledge that the normal operation of a law office exposes confidential professional information to non-lawyer employees of the office, particularly secretaries and those having access to the files; and this obligates a lawyer to exercise care in selecting and training his employees so that the sanctity of all confidences and secrets of his clients may be preserved.

(3) Unless the client otherwise directs, it is not improper for a lawyer to give limited information from his files to an outside agency necessary for statistical, bookkeeping, accounting, data processing, banking, printing, or other legitimate purposes, provided he exercises due care in the selection of the agency and warns the agency that the information must be kept confidential.

(4) The obligation of a lawyer to preserve the confidences and secrets of his client continues after the termination of his employment. Thus a lawyer should not attempt to sell a law practice as a going business because, among other reasons, to do so would involve the disclosure of confidences and secrets. A lawyer should provide for the protection of the confidences and secrets of his client following the termination of the practice of the lawyer . . . .

An exception to the rule of keeping inviolate what our clients tell us in Disciplinary Rule C-4. This is where we may break a confidence, or we may not be bound by the professional privilege. We have the right and privilege to reveal what we know as an attorney in order to collect a fee or defend ourselves, our associates, and our employees, against accusations of wrongful conduct.

I hope that all of us as lawyers will be affected by this very materially. I hope that Mississippi can adopt a coordinated Code of Professional Responsibility rather than having to rely on the thirty or forty canons which are now in existence.

John C. Satterfield

Canon 5 states: "A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client." For instance, an attorney may not accept employment if, in his professional judgment, work on behalf of his client may be adversely affected by his own financial business, property, or personal interest.

Here is one that has raised a lot of problems for attorneys: a lawyer shall not accept employment—or shall resign after he has accepted that employment—if he knows, or it is obvious, that he or a lawyer in his firm ought to be called as a witness, except if the testimony is on an uncontested matter, a formality concerning the nature or value of the legal services, or if a resignation from the case would work a substantial hardship on the client because of the distinctive value of the lawyer or his firm as counsel in the particular case.

Ethical Consideration 5-3 states: "A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation he is conducting for a client, except that he may acquire a lien granted by law to secure his fee or expenses; contract with a client for a reasonable contingent fee in a civil case."

It is pointed out that when a lawyer has a proprietary interest, e.g., a fractional mineral interest, he is connected with the client's interest which should not be done if, under any reasonable construction, it would put the lawyer in a position which is adverse to that of his client. Otherwise, he may acquire such an interest.

Regarding contingent fees, the Code says: "While representing a client in connection with contemplated or pending litigation, a lawyer shall not advance or guarantee financial assistance to his client, except that a lawyer may advance or guarantee expenses of litigation, including court costs, expenses of investigation, expense of medical examination that calls for obtaining and presenting evidence, provided the client remains ultimately liable for such expenses." That rules out loans to a client for matters other than these. It does, however, recognize the fact that when you represent an indigent plaintiff who has a right of recovery for injuries received, but no funds with which to carry it on, it is proper to advance it, although under the agreement the client should remain liable.

Practicing as a professional corporation is recognized as being proper, but it cannot and should not be done if a nonlawyer holds an interest in the corporation, is a corporate director or officer, or has a right to direct or control the professional judgment of the lawyer. The

Code also states that no attorney should accept employment where he is recommended by, employed by, and/or paid by someone else to represent a client if he does not retain an independent position in which he can consider the interest of a client against the organization or the corporation who may have employed him for that purpose. As is stated in EC5-23: "A person or organization that pays or furnishes lawyers to represent others possesses a potential power to exert strong pressures against the independent judgment of those lawyers . . . . "

In Canon No. 6 there is a provision that lawyers should represent a client competently. No lawyer should accept representation to handle a matter in a field of law in which he is not competent unless he tells his client that he expects to associate an attorney who is competent, discloses the fact that he will do so, and it is agreeable with his client.

I will close by saying that you must be competent; you must be prepared; you must handle it right.

Francis Bowling

In my opinion the first canon that I am to discuss, No. 7, is the most important one because it deals with advocacy and litigation between the lawyer and his client. It is styled: "A Lawyer Should Represent a Client Zealously within the Bounds of the Law."

In representing a client a lawyer shall not knowingly advance a claim or a defense that is unwarranted under existing law, except that he may advance such claim or defense if it can be supported by a good faith argument for the extension, modification or reversal of existing laws.

Another heading reads: "A public prosecutor or other government lawyer in criminal litigation shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence known to the prosecutor or other government lawyer that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment."

One of the most important areas is "Trial Conduct," and there are one or two things here that I do not question but would like to see further discussion on by members of the bar: (1) "in presenting a matter to a tribunal, a lawyer shall disclose . . . legal authority in the controlling jurisdiction known to him to be directly adverse to the position of his client and which is not disclosed by opposing counsel." (2) "In appearing in his professional capacity before a tribunal, a lawyer shall not: assert his personal knowledge of the facts in issue,

except when testifying as a witness." The Code does not say whether this means to a jury, a court, a quasi administrative body, or otherwise.

"Communication with or Investigation of Jurors" follows our procedure in Mississippi exactly. It is perfect as far as I can see, and I certainly recommend it to you heartily. It clears up one thing that I have heard differences of opinion on—whether or not an attorney should contact a juror after a trial: "After discharge of the jury from further consideration of a case with which the lawyer was connected, the lawyer shall not ask questions of, or make comments to, a member of that jury that are calculated merely to harass or embarrass the juror or to influence his actions in future jury service." It is all right to ask the juror about the case for your own personal education, but not in a manner to harass him or to indicate to him that you are condemning him in any way.

Next is "Contact with Witnesses." The attorney has a perfect right to pay: (1) Expenses reasonably incurred by a witness in attending or testifying, (2) reasonable compensation to a witness for his loss of time in attending or testifying.

I certainly recommend that everybody study these, and if you have any suggested changes be sure to write your commissioners because they are the ones who will implement them.

Hon. Cliff Finch introduced Hon. Tom Davis of Austin, Texas, Chairman of the American Trial Lawyers Association on Aviation Law, who delivered the following address:

AVIATION LAW PRACTICE*

Tom Davis

What I hope to do here this afternoon is to briefly acquaint you with some of the possible causes of action, the various theories of liability, the many problems that you can run into in the practice of aviation law.

Let's start with the pilot and the pilot's estate. Of course you might run into guest statutes. Very seldom are people solely from one state involved in a crash, so you normally have problems with the laws of other states—what law is going to be used. Therefore, you have to consider the possibility of an aviation guest statute.

---

*This address has been abridged by the editor.

Most light aircraft have dual controls. Many times more than one person on board the plane has a pilot's license. *Res ipsa loquitur* may be applied when a crash occurs, but you must establish which person was in control when the crash took place. There are two lines of thought in the case law concerning the burden of proof. There is the "Proof Beyond the Possibility of Any Doubt" theory expoused by the Kansas Supreme Court. Most states, however, require only a preponderance of the evidence to establish who was in control.

The new approach to the control problem is the "Pilot in Command" theory. There is a federal air regulation stating that the pilot in command shall be responsible for the operation of the aircraft, just like the captain of a ship. Normally the owner, the one who has the most experience, or the one sitting in the left front seat is the pilot in command.

Another problem that you will run into in light aircraft cases is insurance coverage. This is an area that is not regulated; the policies are written more or less on an individual basis. One area which you need to be concerned about regarding coverage is pilot warranty. Every aviation policy is going to have a pilot warranty clause. It may be so broad as to cover any pilot with an FAA certificate, or it may be so narrow as to cover only one named pilot. But unless you comply with your pilot warranty, you have no coverage. This coverage includes liability and hull coverage.

This can be particularly troublesome, depending upon where the burden of proof rests. Is it on the plaintiff or the defendant to prove that the pilot was under the pilot warranty? In Texas and a few other states if the insurance company raises a positive violation, then the burden is on the plaintiff to prove there was no violation.

Use of the aircraft is another problem that comes up all of the time. Most private aircraft are stated to be used for "business and pleasure." Under one terminology or another, a flight for which a charge is made, directly or indirectly, may be excluded from that category.

The definition of a charge may become important. You may have a per hour estimate for maintenance and a per hour estimate for overhaul. These are very real operating costs. Every hour that is put on a plane is costing something in maintenance and is putting the engine that much closer to overhaul. These expenses can be estimated and are often expressed as a per hour reimbursement of expenses. The Fifth Circuit has held that where the per hour reimbursement was very close to the price of the oil and gas that went into the plane, the commercial

rate for renting the aircraft was not approached. Thus, there was no "charge," and coverage did not exist. The case intimated that as long as there was no profit involved, there was no charge. This decision, however, did not decide whether reimbursement for fixed costs such as insurance, hangar fees, and depreciation would constitute a charge. I can only suggest to you that if you let someone use an airplane on a per hour basis, you should get written into your policy a clause stating that a reimbursement of $30 per hour shall not be considered a charge under the terms of this policy.

Another problem area is exclusions. I think competition and owner awareness have driven most of those provisions out of the policies, but you still may find a provision that excludes coverage for any violation of a federal air regulation involving instrument flying, night flying, student instruction, and minimum altitude—which covers about ninety percent of all accidents. Generally speaking, though, exclusions now only involve exceptional circumstances such as an airplane that has lost its airworthiness certificate, an experimental airplane, crop dusting, or something of that kind. There have been attempts to go back to the old "any violation" provision by resort to the "unlawful purpose" terminology in all contracts. The argument is made that the violation of any federal air regulation or of any law of any kind makes the flight unlawful; and, therefore, under the unlawful purpose doctrine there is no coverage. I don't think that will stand up, but the attempt has been made. Also, other means have been used to find some violation under other provisions. Generally, these have been unsuccessful.

Maintenance is another problem area. Every plane must be inspected annually, and a licensed mechanic must stamp and sign in the log book of the aircraft that he has inspected this aircraft in accordance with federal air regulations and hereby certifies that it is airworthy. So far there has not been much litigation on what airworthy means and whether it is an express representation or an express warranty that the aircraft is airworthy.

How about the manufacturer? In the aircraft industry most manufacturers are nothing but people who assemble parts of an airplane, seldom with their name on it.

Under strict products liability in tort, you can go up or down the chain, from the man who sold it to you, to the man who sold it to him, to the manufacturer, to the engine manufacturer, to the carburetor manufacturer, back to the one who made the part they put in the carburetor. Normally you don't have to. Somewhere before you get there you can find financial responsibility. This can be a problem, but

don't overlook the component manufacturer. The assembler, of course, is responsible for what the component man did, as though he had done it himself.

Faulty design action against the manufacturer is the coming area. It may be possible to show that the design or the instructions were a cause of pilot error and litigate against the manufacturer.

FAA controls the plane from the time you talk to ground control before takeoff until you talk to ground control during the landing. The federal government is responsible for any mistakes made by control operators.

Several cases have held that the government did not give the pilot sufficient weather information for him to make an intelligent decision on whether or not to take off.

Vortac turbulence has brought a lot of litigation. It was found recently that an airplane, when the wing develops lift, sends off a little tornado from the wing tip, going backwards, spiraling air. This air turns so fast that an aircraft behind another may be uncontrollable. Large aircraft may cause damage to smaller aircraft. The government has been held responsible in many of those instances.

Military pilots and personnel may sue the manufacturer in the same manner as other individuals.

What happens when a crash occurs? If there is a fatality involved, it will be investigated by the National Transportation Safety Board. Many times where there is a non-fatal accident, the Board will delegate its authority to the FAA who will investigate for the NTSB, but the NTSB is the agency ultimately responsible for the investigation.

After a crash an air investigator will be notified. He will ask the local authorities to keep everybody away until he can get there. He inspects the wreckage, makes a wreckage distribution chart to identify the pieces, makes photographs, takes statements, gets transcripts from any ATC records and tapes of communications that went back and forth. All of this information will be collected in an accident package and filed with the NTSB in Washington. Then it is available as a public document. Until then they won't be giving you much information.

You may take the depositions of the NTSB men or the FAA men. Under certain conditions you must get the permission of general counsel of the NTSB in Washington. Regulations provide that they will

allow you to take the investigator's deposition if this information is not available from any other source, including stipulations by the opposing party. Another regulation says that he can testify only to facts, not opinions or conclusions.

There will be more than one accident package. The FAA facility involved, the flight service station, or the Air Traffic Control will prepare an accident package. Many times this is turned over to the NTSB investigator and is included within his report; sometimes it is not. Sometimes not everything in the FAA package is turned over to the NTSB.

Tapes are only kept fifteen days. When an accident occurs, they will go back and pull the original tape. The man in charge will then go back about five minutes before the first communication with the aircraft involved and re-record the pertinent transmissions on that tape until five minutes after the last communication with the aircraft involved. They will keep this re-recorded part of the tape, and you can get copies of it. The original is then put back in, and the other communications are erased. So you are only getting what someone thought was the important part of those transmissions.

The FAA office in Oklahoma City has records on all aircraft, alteration forms, annual inspection forms, the title of the aircraft, the history of it, and pilot record forms. A student certificate is only good for two years, and they keep records on student certificates for three years.

As for the publications in the area, CCH publishes the aviation law reports. They are very good and very complete. Lee Kreindler has a two volume publication on aviation law that is excellent.

Following this address the afternoon session was adjourned.

SECOND GENERAL ASSEMBLY

Saturday, June 27, 1970

The meeting was called to order by President-elect Bacon.

Hon. Quitman Ross then introduced Hon. Bidwell Adam, a member of the Mississippi State Bar, who delivered the following address:

THE CASE OF CASEY JONES*

Bidwell Adam

I want to talk to you about justice in our courts. We have able judges, able lawyers, able district attorneys, and able officials. But I want to tell you of a case that I tried over fifty years ago. It depicts just how hard it was to represent a man charged with a crime in this state at that time.

Joe Mize, one of the ablest lawyers in the state at that time, called me into his office one day and asked me if I wanted to go to Hattiesburg to defend a man charged with a murder. I said, yes, I would go to Hattiesburg and defend him, "What's his name?"

He said, "His name is Casey Jones."

I said, "Has he got any money?"

He said, "No, he don't have any money, but you can get some good experience."

Then I said, "Well, Casey may get some good experience, too." And Casey did get some good experience.

Casey was indicted by the Forrest County grand jury on a charge of murder. He was charged with killing a mail carrier's wife by the name of Mrs. Moseley.

T. Webber Wilson was the district attorney. He was a fine, handsome, gallant young man about six feet tall. He had plenty of hair on his head and was an eloquent speaker. He was later congressman from this district. Judge Robert Hall was the circuit judge, and Forrest Morris was the county attorney. A man named McKenzie was the sheriff. I went up to Hattiesburg and took my wife along with me.

When we got to Hattiesburg, I went to the jail and saw Casey Jones. He was a little fellow just about my size. I said, "Jones, Mr. Joe Mize asked me to come up here to represent you because he couldn't come."

He said, "Well, I am sorry he couldn't come."

Then I said, "Well, I am sorry, too, but if you want me, I will do my best for you. I will try to save your life if I can."

He said, "Well, I didn't kill Mrs. Moseley, but I have got to have some lawyer, and you may just as well try me as anybody else." And so we prepared to try Casey Jones.

---

*This address has been abridged by the editor.

We eliminated all of the preliminaries and had the arraignment. He pleaded not guilty. I then filed a motion for a change of venue, stating that he could not receive a fair and impartial trial, that his case had been pre-judged, that the whole city of Hattiesburg and Forrest County was inflamed against Casey Jones, and that everybody in town said he was guilty.

After I filed my motion, I went around Hattiesburg and interviewed about thirty or forty people in different parts of the city. They all said that they thought Casey Jones could get a fair trial, but they all thought he was guilty. They all thought that he should hang, and they proceeded to so testify on the examination that I conducted of each one of them.

We proceeded to the trial. All of the witnesses testified about how Jones killed the lady, how he shot her, and what happened in the yard. We proceeded with the trial, and Webber Wilson stood in the jury box and said, "Brother Davis—Brother Davis, I would like for you to tell me now when you go home—when you go home tonight and after you have brought in your verdict of guilty in this case—when you go home tonight, and your good wife meets you at the front door, will you tell her that you had the moral courage and the guts to vote to hang ole Casey Jones for killing Mrs. Moseley?" And Brother Davis said he would.

I immediately moved the court for a mistrial because of the misconduct of Webber Wilson, and Judge Hall said, "Well, now, Mr. Wilson, you won't do that anymore, and so let's go along with the trial of this case. We want to be fair, and we want to give this defendant justice, and we want to get through with this trial."

So, Mr. Wilson got alongside Mr. Thomas, another juror. He put his arm around Thomas and reached over and had his arm around another juror. He was holding two jurors in his arms while he was talking to the jury. I noted all of these exceptions and made all the motions necessary to preserve the defendant's rights, and Mr. Wilson continued with that for about thirty or forty minutes.

Well, as we went along in the trial, Mr. Wilson continued to make these very fine oratorical efforts and soared among the lofty crags like the eagle. He finally reached the point where he said that he wanted to see that the defendant got a fair trial, and he hoped that I would yield a moment so he could make another remark or two. I, of course, objected to it, and Judge Hall overruled my objection because he wanted to see justice done. Well, we found ourselves getting deeper and deeper in the clutches of the law, but where we knew that sooner or later something was going to happen—and it did.

Now, before we reached that point when the court overruled my motion for a change of venue, the crowds stood up and applauded and cheered. I am telling you the truth. They cheered until it echoed, and I asked the court if he would give the right to dictate into the record the conduct of the crowd in the courtroom, the cheering and the applauding that went on in the proceedings, and he said, "Yes, I want to be fair. I want to see whether or not the jury applauded when I overruled the motion for a change of venue because in delivering the opinion that overruled that motion I paid tribute and compliment to the citizenry of Forrest County on their splendid manhood and womanhood, or whether they just applauded because I overruled the motion. All of you people that applauded because I overruled the motion and did so paying tribute and compliment to the people of Forrest County on the splendid manhood and womanhood, stand up and be counted. All right, let the record show that everybody in the courtroom stood up. Now all of you people who applauded just because I overruled the motion stand up. Let the record show that nobody stands up."

The jury was given the case. I had about twenty-five or thirty instructions, and the state had three or four. They came back in about five minutes and said, "We, the jury, find the defendant guilty as charged."

Casey Jones, before being sentenced by the Judge, was asked if he had anything to say why he shouldn't be sentenced. He didn't say anything. Then he said, "Mr. Adam, do you have anything to say?"

I said, "Yes, sir. I will do my saying in the Supreme Court."

Well, we played a few tricks that we had up our sleeve getting our record perfected and going to the supreme court on appeal, and here's what happened. Now remember, he had been tried, convicted and sentenced to suffer the death penalty.

I got a letter from Casey Jones which said, "I want you to come up to see me."

I went up to see him. I said, "What's the matter?"

He said, "They are gonna hang me in Hattiesburg before you can perfect your appeal."

And I said, "They aren't going to do that."

He said, "I am getting it straight, I want you to get me moved out of Hattiesburg."

I called Governor Lee M. Russell, and told him, "Governor Russell, Casey Jones told me that they are going to hang him before he

can perfect his appeal. I want you as a matter of safety and precaution to have him transferred to another jail."

He told me he would call me back, and he did. He said, "I have talked to Bob Hall and Webber Wilson both, and they have assured me that there is nothing to those rumors and remarks. That's just a lot of street talk."

I said, "Governor, you are governor of the state. Why don't you go on and move the man just as a means of safety anyhow?"

He said, "Well, I would be moving people all over the state from one jail to another if I did that every time one of these letters came in. I don't think there's any danger. I will check it and let you know."

About ten days later I got a big picture in the mail of Casey Jones hanging from one of the oak trees in the court yard at Hattiesburg. The man was executed by a mob that went into the jail with acetylene torches and burned the steel locks off of the cells. He had a hole in the top of his head big enough for you to put your fist in.

That happened in Mississippi.

Following this address, Hon. Joe Meadows presented the Silver Gavel Award to Mr. Ray McGraff of WJTV, Jackson, Mississippi, for work on the Law Day film.

Committee reports were then made. The substance of these has been omitted because of space limitation. All resolutions passed by the bar appear in Appendix I.

Incoming President William A. Bacon then made the following remarks:

INCOMING PRESIDENT'S REMARKS*

William A. Bacon

I would like to say to you, my friends, that I am most deeply honored, and I am most humble at the honor that you have conferred upon me. I say to you, my friends, that no man is more honored than he who is called upon to serve the members of his own profession. I am most grateful to you for that opportunity.

I say to you that we need to sponsor and to inculcate into our own hearts and souls a respect for the law and for the rule of law. I

*These remarks have been abridged by the editor.

say to you that we must somehow stem the tide against this new breed of lawyers who apparently attempt to win a case by any means, fair or foul. We must uphold right and reason—not might. We must live by the rule of law. We lawyers take an oath as members of a court and as officers of the court to uphold the law, and I say to you that it is time that we behoove ourselves to that oath that we take when we become members of this profession. We must seek to preserve, strengthen, and carry on the courts that have been given to us by a process of judicial administration. If we, as lawyers, do not preserve and carry on these courts, have respect for them, and play within the guidelines and rules that have been established down through the years, then it will not be long until we have no courts to practice in.

I say to you, my friends, that I hope that this is going to be a good and fruitful year for the bar association. I am going to call upon many of you to serve on committees that will be appointed very shortly. I know that with your assistance we are going to have a good year in the bar association.

Thank you very much for this high honor that you have bestowed upon me.

President Bacon presented a plaque to Hon. Boyce Holloman for outstanding service as President of the Mississippi State Bar during the past year. Mrs. Holloman accepted the award for her husband.

Hon. Hugh N. Clayton was then elected to a two-year term as the Mississippi delegate to the ABA House of Delegates. Hon. Pat H. Scanlon, retiring President of the Mississippi Junior Bar, was elected Second Vice-President of the Mississippi State Bar.

Hon. Charles C. Finch of Batesville and Hon. Lester Sumners of New Albany were nominated for the position of president-elect. Mr. Sumners was elected.

The following Commissioners were elected:

District 1—Fred Wicker, Pontotoc
District 2—Kosta Vlahos, Biloxi
District 3—Thomas Ethridge, Oxford
District 4—Fred deLong, Jr., Greenville
District 5—Frank Deramus, Louisville
District 6—Graham Hicks, Natchez
District 7—William Barbour, Jr., Yazoo City
District 8—Danny L. Hunter, Forrest
District 9—John Pruitt, Vicksburg
District 10—Joe Clay Hamilton, Meridian

District 11—T. N. Gore, Sr., Marks
District 12—James L. McKenzie, Hattiesburg
District 13—C. D. Pittman, Raleigh
District 14—Harry O. Hoffman, Hazlehurst
District 15—William Andrews, Jr., Purvis
District 16—Taylor Smith, Columbus
District 17—John Whitten, Sumner
District 18—Jon Swartzfager, Laurel
District 19—William Jones, Pascagoula.

At this time the Sixty-fifth Annual Convention of the Mississippi State Bar Association was adjourned sine die.

The following is a list of past presidents of the Mississippi State Bar:

1905—G. H. Shands (deceased)
1906—Murray F. Smith (deceased)
1907—C. H. Alexander (deceased)
1908—J. S. Sexton (deceased)
1909—T. H. Somerville (deceased)
1910—W. H. Powell (deceased)
1911—A. F. Fox (deceased)
1912—R. N. Miller (deceased)
1913—Robert B. Mayes (deceased)
1914—Sydney Smith (deceased)
1915—R. B. Campbell (deceased)
1916—A. T. Stovall (deceased)
1917—A. A. Armistead (deceased)
1918—S. E. Travis (deceased)
1919—J. B. Harris (deceased)
1920—Gabe Jacobson (deceased)
1921—Geo. J. Leftwich (deceased)
1922—J. B. Holden (deceased)
1923—R. H. Thompson (deceased)
1924—Stone Deavours (deceased)
1925—J. N. Flowers (deceased)
1926—D. W. Houston (deceased)
1927—R. E. Wilbourn (deceased))
1928—George W. Currie
1929—T. C. Kimbrough (deceased)
1930—George H. Butler (deceased)
1931—W. W. Venable (deceased)
1932—Jeff Truly (deceased)
1933—J. H. Price (deceased)
1934—W. Calvin Wells (deceased)
1935—Frank E. Everett (deceased)
1936—David E. Crawley (deceased)
1937—Marion W. Reily (deceased)
1938—R. M. Kelly (deceased)
1939—W. H. Watkins (deceased)
1940—W. E. Morse

1941—Alexander Currie (deceased)
1942—Charles F. Engle (deceased)
1943—Ross R. Barnett
1944—Bidwell Adam
1945—Earle L. Wingo (deceased)
1946—R. C. Stovall
1947—Stokes V. Robertson, Sr., (deceased)
1948—Phil Stone (deceased)
1949—Robert W. Thompson, Jr.
1950—Gibson W. Witherspoon
1951—Quitman Ross
1952—Charles B. Snow (deceased)
1953—Jerome S. Hafter (deceased)
1954—Robert J. Farley
1955—John C. Satterfield
1956—M. M. Roberts
1957—W. S. Henley
1958—Breed O. Mounger
1959—Hugh N. Clayton
1960—David Cottrell, Jr.
1961—Sherwood W. Wise
1962—C. Sidney Carlton (deceased)
1963—Edward J. Currie (deceased)
1964—Earl T. Thomas
1965—Orma R. Smith
1966—John T. Armstrong
1967—N. W. Overstreet
1968—Chester Curtis
William J. Keady*
1969—Boyce Holloman

* Elected but became Federal District Judge before term of office began.

PROCEEDINGS OF THE THIRTY-FOURTH ANNUAL MEETING OF THE

Junior Bar Section

Held in Biloxi, Mississippi, June 25, 1970

The General Assembly of the Junior Bar Section was called to order at 1:30 p.m. by Honorable Pat H. Scanlon, President.

Honorable Robert G. Barnett gave the invocation.

President Scanlon recognized Honorable Hugh N. Clayton, founder and first president of the Mississippi Junior Bar Association.

President-elect Frank Crosthwait, delegate to the ABA Convention, gave the following report:

ABA CONVENTION REPORT*

Frank Crosthwait

The thirty-fifth annual meeting of the Young Lawyers Section of the American Bar Association was held in Dallas, Texas, August 7-11, 1969. Each state is allowed two voting delegates and two alternates, and each local junior bar affiliated with the Young Lawyers Section is permitted one voting delegate and one alternate. The Mississippi delegation was the largest in our history. Representing the Mississippi Junior Bar were delegates Pat Scanlon and I, and the alternate was Richard Edmonson.

Local bar associations represented were Jackson, delegate Thad Cochran, alternate Jim Becker; Meridian, delegate Richard Wilbourn, alternate Wink Glover; Jackson County, delegate Raymond Brown; Lee County, delegate Billy Ford; Gulfport, delegate Joe Meadows; Tri-county, delegate Wayne Sterling. Three new local Mississippi junior bar associations were approved as qualified affiliates of the ABA, Young Lawyers Section. These were the Warren County Junior Bar; the Jones County Junior Bar; and the Tri-county Junior Bar composed of Amite, Pike and Walthall Counties. With the addition of these three affiliates there are a total of ten junior bar associations in the Young Lawyers Section. The Mississippi Junior Bar was awarded first place in the special projects category for the Law Day 1969 program in the

* This report has been abridged by the editor.

category of smaller states. The Jackson Junior Bar was awarded second place in the comprehensive judging of junior bars in cities under 500,000 population.

Raymond Brown and his partner, Donald Maxwell of Scottsdale, Arizona, were the winners of the annual debate sponsored by the Conference of Personal Finance Law Section.

The House of Delegates of the Young Lawyers Section voted against a movement to increase the age limit to thirty-nine years, registered its objection to certain proposed standards for law schools, recommended that the ABA promulgate a national plan to regulate specialization in the practice of law, and opposed the Keeton-O'Connell Plan. Officers elected were Tom Cochran of Independence, Missouri, chairman; Joe Mullen of New York, vice chairman and chairman-elect; Bob Murray of Lakeland, Florida, secretary; Harry Hathaway of Los Angeles, California, speaker; and Dan Rabbitt of St. Louis, Missouri, clerk. Committee appointments included Raymond Brown, co-chairman of the Awards and Achievements Committee replacing Bob Barnett; Pat Scanlon, vice-chairman of the Professional Education Committee.

The Young Lawyers Section of the ABA will hold its annual convention this year in St. Louis on August 5, 1970.

The Convention in 1971 will be held jointly in New York and London.

In closing, let me assure you that the Mississippi Junior Bar is accorded a high position in the Young Lawyers Section of the ABA, and I urge each one of you to make every effort to try to at least attend the meeting this summer in St. Louis.

PRESIDENT'S REPORT*

Pat H. Scanlon

The next item on the agenda is the President's Report. While it is termed the "President's Report" the work of the association is done primarily by the board of directors and officers. Frank Crosthwait is president-elect; secretary for this year has been Alex Alston of Jackson; past president was Raymond L. Brown of Pascagoula. Directors from the Northern District for two-year-terms who will carry over for another year are Alex Gates of Indianola, Glenn Alderson of Oxford, Bob Upchurch of Tupelo. From the Central District serving a two-year term are Wink Glover of Meridian, Jim Herring of Canton, and Lee

* This report has been abridged by the editor.

Davis Thames of Vicksburg. From the Southern District on a two-year term are Leonard Blackwell of Gulfport, Tom Stennis of Gulfport, and Roy C. Williams of Pascagoula. Also on the Board of Directors are the local presidents of the ten local junior bar associations who are affiliated with the Young Lawyers Conference of the American Bar Association. They are Harry Allen, Gulfport; Joe Colingo, Pascagoula; Tommy Gardner, Tupelo; Carroll Ingram, Hattiesburg; Don Morrison, Jackson; Frank Thackston, Greenville; Richard Wilbourn, Meridian; Lee Davis Thames, Vicksburg; John Jeffries, Jones County; and J. D. Gordon, Jr., Tri-County Junior Bar.

The Mississippi Junior Bar is now composed of approximately 850 members, comprising about one-third of the bar association of this state. The association has been recognized by the American Bar Association as one of the leaders of the junior bar associations in the country. Two years ago, under Bob Barnett's leadership, we received the best comprehensive award, which meant in our category we were named the best junior bar association in the country.

But to me the most outstanding feature of our association is the warm and excellent relationship we share with the senior bar association. I have talked with young lawyers from other parts of the country, and I find that in a number of areas the junior bar and senior bar are actually competing factions, politically, service-wise, any way you can name, and some of them are not even speaking to each other; but that's not true in our state. One of the best illustrations is that last year Frank, Wink, and I went before the Budget Committee and asked for a $1,000 increase in our budget; we presented our program for this year to them. Not only did they give us that $1,000, but they also gave us $1,500 and increased our budget to $5,000.

This year, in order to try and serve the poor, the Bar Commissioners formed a non-profit corporation known as the Mississippi Legal Services, Inc. Under the by-laws of that association two-thirds of the members of the board of that group must be attorneys. Further, under the by-laws half of those attorneys must be junior bar members.

Two major projects of the senior bar this year were the Emergency Legal Assistance Program to assist people who were financially unable to help themselves here on the coast, and Hal Miller will give us a full report on that later.

The other was the Law Day U.S.A. Program 1970 of which Joe Meadows was chairman, and which had a thirty minute television tape jointly sponsored by the Mississippi State Bar and the Mississippi

Junior Bar Association. We appreciate all the consideration the senior bar members showed us this year.

This year we have tried to involve the association in some new projects. One of these is the Automobile Accident Reparations Proposals. There are a number of proposals now which seek to do away with the theory of liability due to fault and replace automobile accidents with something like a Workmen's Compensation Commission situation. The main of these proposals is the Keeton-O'Connell Plan. Tom Stennis of Gulfport served as chairman of that committee, and Scott Welch of Jackson was vice-chairman. They are going to prepare and produce a report which will at least tell us what these proposals are. Hopefully, this report will be made available to every member of the association, either through *The Mississippi Lawyer* or through a mail-out.

Two years ago we created a History Committee. Lee Davis Thames of Vicksburg served as chairman of that committee. The purpose of the History Committee was not just to list the officers and directors for the various years, but also to see what this group has done during its thirty-four-year existence.

One thing of import was that the county court system for our state was the brain child of the junior bar association. They passed a resolution; they took it to the legislature; they got it enacted. There are a number of other illustrations of constructive and worthwhile achievements fostered by the junior bar.

This year we also created a Mental Health Committee. Harry Allen of Gulfport served as chairman, and Gerald Blessey was vice-chairman. They reviewed the procedures for voluntary and involuntary commitment. Our present situation is quite antiquated, and Harry and his committee have prepared a comprehensive bill which we will present to you later with a resolution proposing an act to be presented to the legislature.

Last year the Moot Court Chairman of the Ole Miss School of Law came to the Board and asked for help in obtaining judges for the moot court trials. Glenn Alderson of Oxford served as chairman of the Moot Court Committee with Thad Cochran of Jackson as vice-chairman.

Another problem area facing the bar is specialization. Charles L. Brocato of Jackson served as chairman of the Specialization Committee. This committee made an extensive study and has a resolution which will be presented later in the program.

In addition to these new programs, we continued many of the programs which in the past have made us a leader among the junior bar associations.

Not all of our plans for this year have been fulfilled. We had hoped to have a group trip to Washington, D.C., for admissions before the U.S. Supreme Court. We had set up plans for having it in March, but due to the trip of the bar association to Majorca we had to postpone that. I think that there may be some plans for trying to have a group trip to the U.S. Supreme Court some time in the fall.

There are a number of changes, corrections and modifications that need to be made in our laws and our systems. We need to up-date our court procedures; we need some type of discovery procedures so we will not be trying cases in the dark; we need to expedite hearings; we need to modernize our judicial selection methods so we can be assured of competent and capable men; we need to keep our judicial salaries high enough to attract such men, and we desperately need some type of retirement for our judges.

We need to fulfill our duty to render service to the poor, and Legal Services, Inc., I believe, will be the answer if we can get it funded and on the road. We need to review our procedures for policing our own association; we need to look into some type of small court procedure—a small court where we would have a competent trained judge; we need to do a hundred and one other things and each of us know about them. If there is any group in the State of Mississippi that will do these things, it is going to have to be the Junior Bar Association of the State of Mississippi. We are young enough; we know what the problems are; we have the energy, the manpower and the competency to go to the legislature and get some of these things done. If we do these things, I think we will be reaching the highest objective—service to our state. And I think that under the leadership we have coming in, Frank Crosthwait and the two fine nominees for president-elect, we are going to accomplish a great many things.

This year I think we have had a good year. I have enjoyed being your president. I consider it an honor and a privilege, and I thank you for the opportunity.

At this time several committee reports were given. Resolutions were introduced and voted on. Those passed appear in Appendix I.

Hon. Thomas D. Cochran of Independence, Mo., Chairman of the Young Lawyers Section of the ABA, and Hon. Joel Boydon of Grand

Rapids, Mich., President of the Michigan Young Lawyers Section and a director of the ABA, were recognized.

Hon. Raymond L. Brown then introduced Hon. Joe Mullen of New York, President-elect of the Young Lawyers Section of the ABA, who delivered the following address:

YOUNG LAWYERS' CHALLENGE TO THE BAR*

Joe Mullen

I am here this afternoon to report to you as president-elect of the Young Lawyers Section and to tell you about some of the concerns that young lawyers have expressed to me during the past year.

First, let me tell you something about how our section functions. We have five national offices and an executive council. The officers are a part of the executive council, and the remainder consists of a representative from more or less each of the U. S. Judicial Circuits, plus a representative from the military. These men are elected by the young lawyers in their own districts, and they come to our annual meeting, our mid-year meeting, or whenever a special executive council session is called.

The general policy making body of our section is the assembly. The assembly consists of all affiliates. In the assembly there are about 180 affiliates, and they come annually to our meetings to conduct the affairs of the section.

In addition, this year you have heard of some of the committees that we have given specific assignments to. Two of them are especially responsive to the needs of young lawyers. They are the Law and Clergy and the Drug Abuse and Campus Confrontation Committees.

With that framework in mind I would like to tell you something about what young lawyers are thinking. Broadly speaking, many young lawyers are saying that they feel and believe that there is a shirking of responsibility on the part of the legal profession in today's society. They say that leadership is needed more than ever right now. They hope for a reversal of this trend. This concern I have heard voiced at regional conferences, at our executive council sessions, and in many letters which I have received.

To put the case in relevant frame-work, if you are looking for a short sentence to sum up what the bar is all about, I think you

---

* This address has been abridged by the editor.

might look far and wide before you would come upon better words than those of Winston Churchill, "It is better," said he, "to jaw, jaw than to war, war."

But who can doubt that in America today the trend is away from jaw, jaw—talk—and in the direction of war, war—conflict.

The Report of the ABA Committee on Campus Confrontation and Student Dissent which was just released last week found that within the past academic year alone an estimated one hundred forty-five institutions of higher learning were torn by violence. We are living in times of growing violence—in times in which more people than ever seek to gain their end by seizing, burning and even killing.

It is a fast-growing trend. If anyone had said ten years ago that ten black students wearing bandolier belts over their shoulders were going to close down Cornell University until their demands were met, they would have been laughed out of court. I am asking you to project that trend from 1969 to 1979—and who is laughing? I am asking who is going to stop it?

Young lawyers say that the legal profession has what it takes to stop it. That's the general message that I bring you from the young lawyers of today. They don't think the legal profession is doing what it could and should to help correct matters.

America was not imposed upon a sullen mass of people. America is something that sprouted and grew in a climate of passionate and peaceful debate. Young lawyers wonder whether it can continue to exist in any climate—in a climate of war, war instead of a climate of jaw, jaw. Some of them are beginning to doubt it.

Historically, it has been lawyers who have taken the lead in American public debate. They have taken this lead before Congress and before even local assemblies. Lawyers have known more about how to discuss issues effectively. But many are now asking, "Where are the lawyers today, and why are they so much on the sidelines?"

On March 23, 1970, Anthony Lewis, who writes for *The New York Times*, wrote a column, and the caption on that column was "The American Bar, A Failure in Responsibility." I would like to quote one passage from that column:

> In failing to fulfill its public function the organized bar is surely inflicting wounds upon itself. Bright young people already question the outlook of the legal profession. Big firms are having a difficult time in attracting the best graduates. If lawyers want to retain their traditional place of honor and

> influence in American life they will have to remember and live by those words of Justice Holmes, 'The law is the witness and the external deposit of our moral life. Its history is the history of the moral development of the race.'

There is additional evidence supporting some of the criticism that we are receiving in the press and elsewhere. Just last month I mailed a letter to the fifty-one thousand members of our section. So far over six thousand have responded, and over one thousand have taken the time to personally write to me indicating support of the programs that the section is putting on. But at the same time they are urging that we become more involved in some of the pressing needs that are presenting themselves to local communities.

They ask, in effect, for more responsible leadership on the part of the organized bar. This feeling was expressed by a young California lawyer who wrote that his bar association failed to offer assistance to the Berkeley officials during the riots at the University of California and that his young lawyers committee prepared a report indicating that they should do so. He noted that during the riots, when more than one thousand persons were arrested, the association had not even done so much as to condemn publicly the violence and the breaking of the law.

Much the same kind of letter came from an attorney in my own state. He wrote that a small young group of lawyers in up-state New York were disappointed that their bar association had not at least offered assistance during the Cornell riots. In the future they believe that the bar association should offer to school authorities everywhere services of a panel of lawyers to help towards arbitrating some of the disputes.

In addition, several of the letters that I have received have expressed a great deal of concern specifically about the campus problems. I would like to quote from one of these particular letters:

> The young lawyers with whom I work and associate are wondering about the future of the bar. They think the bar association should become more involved in helping to solve the problems that have fallen on all of us. For example, in the area of campus dispute and local community disputes, why shouldn't the local bar association offer assistance? It could be in the form of a panel of lawyers seeking to resolve the dispute. After all, who is more qualified? To achieve compromise is one of the hallmarks of the profession.

I have also received letters and phone calls in which the individuals have suggested that we even perhaps are approaching anarchy; they say that if bar associations don't provide the leadership, who will.

Because of the profession's alleged failure to become involved, many young lawyers feel that the profession's image has been hurt; many have said to me that they are determined to reverse this trend.

The Young Lawyers Section of the Montana Bar Association has proposed that all judicial appointments be completely removed from the political arena. The young lawyers there have started to assist in writing editorials for local newspapers. They urge fellow-citizens to stand up and express their dissatisfaction with the present system and to advise their assemblymen of their dissatisfaction. In addition, they are trying to persuade the senior members of some of their bars to publicly denounce judicial political appointments.

My own local city bar association—the bar association in the City of New York—conducted a survey that revealed some very interesting and unusual results. We found that young graduates of today, at least in our area, are not going into the traditional practice of law. Rather, they are seeking out a special, non-traditional practice, and many of the best law school graduates, at personal financial sacrifice, are now offering themselves to groups dealing with social causes that we hear so much about today. The study concluded that this new direction of law school graduates reflected their idealism, their aspirations, and the fact that apparently these young men want desperately to shape their profession into an instrument they think can raise the quality of American life. They want a career in which they can contribute directly to this transformation. The study concluded by saying that unless the profession can offer young lawyers an outlet for this idealism, it will not attract the most able and highly qualified students.

In Michigan lawyers addressed themselves to the same problem. I quote: "Our power as the largest section of the profession is for the most part unexercised and dormant in terms of impact with the activities of the entire bar. The time has come when, for the very real benefit of the profession, we should attempt to flex some figurative muscle."

Now what are all of these young lawyers saying? I don't think that they are saying that they are one hundred percent right and everyone else is one hundred percent wrong. What I think they are saying is that it is a new day and age and that the legal profession does have new problems, but at the same time it has some wonderful opportunities. A certain few are most respectfully urging that the hour for debate and discussion is late, and they don't offer their ideas in inflexible and fixed terms. I think they are offered as suggestions to be refined by the critical examination of other minds, such as yours,

and that they will eventually be remolded with the shifting events of time.

At this time President Scanlon presented the gavel to incoming President Frank Crosthwait, who made the following remarks:

INCOMING PRESIDENT'S REMARKS*

Frank Crosthwait

As my first official act, I would like, on behalf of the association, to present Pat Scanlon with this expression of our appreciation for a job certainly well done.

This plaque reads: "Pat H. Scanlon, President, Mississippi Junior Bar 1969-70."

Congratulations.

I deem it a distinct honor and privilege to be afforded the opportunity to serve as your president for the ensuing year.

The Junior Bar Section of the Mississippi State Bar was organized on September 4, 1936, during the 31st annual meeting of the Mississippi State Bar at Greenville. Today, after thirty-four years of leadership, our organization numbers over eight hundred members and is the strongest, best organized, best financed, and the most effective junior bar of its size anywhere in the nation.

We intend this year to make our eight hundred members aware of the opportunities to participate in the activities and projects of the Mississippi State Bar. In the past, we have merely scratched the surface of manpower available to the Mississippi State Bar from our association. An all out effort will be made this year to marshal this untapped source of personnel for the betterment of the Mississippi State Bar.

Billy Bacon, President-elect of the Mississippi State Bar, is committed to the proposition that junior bar members from throughout the state will serve on the state bar committees and has invited Pat Scanlon and me to assist in the naming of these committees.

In urging greater participation in the state bar, I quote from remarks made by Hugh Clayton, first president of the junior bar and president of the state bar for 1959-60, at the 1960 convention:

> There appears to be some thinking on the part of the members of the junior bar that it is separate and distinct from

---

* These remarks have been abridged by the editor.

> the senior bar. This is not true. Please, in your thinking and in your attitude with regard to the parent organization, regard yourselves just as much a part of the parent organization as anybody else. Please participate in the assemblies we are having this week, tomorrow, or next week, and if something comes up, and you want to say something about it, don't just refer it to someone beyond the age of forty; get up and say something. You will be recognized and your youth respected. I think you should participate. The senior bar needs you just as much as the junior bar, separate section of the state bar, needs you.

Pat Scanlon and I will sit as members of the officers and Board of Bar Commissioners of the state bar, and, as in the past, I am sure we will be encouraged to participate in the important decision-making processes of the Mississippi State Bar.

As the junior bar—after today the young lawyers section—we will be continuing the committees and programs which were promulgated by my predecessors and adding some new committees.

I hope we can continue with the excellent projects of our association.

The ABA continues to issue a challenge to all local young lawyers sections and state young lawyers sections to go forward with programs of "Youth and the Law" and "Law and the Clergy." We will also address ourselves this year to the crucial problems of drug abuse and youthful users. A Drug Abuse Committee is being named to work closely with the committee from the Young Lawyers Section of the ABA.

Upon the appointment of a Budget Committee for the Mississippi State Bar, we will appear and request a $1,000 increase in our budget. I feel sure the Budget Committee will continue to evidence the support and confidence the state bar has in the young lawyers section and will grant us their approval. When that approval is made, our budget will then total the sum of $6,500. I hope that will enable us during this next year to defray some of the expenses of our committees that have been active in the past, but have been unable to fulfill all of their obligations and objectives because of the travel and incidental expenses involved. We will also publish our directory of officials and our organizational manual.

I trust that our efforts this year will again reflect our leadership and service as young lawyers not only to our community but also to our state as well while improving the image of the attorney.

I solicit your individual support and suggestions throughout the

year. With your continued support and participation, our young lawyers section will again fulfill its objectives.

Election of officers was held. Nominees for the office of president-elect were H. Wingfield Glover and Joseph R. Meadows. Joseph R. Meadows was elected.

Brooke Ferris and Lee Davis Thames were nominated for the office of secretary. Brooke Ferris was elected.

Hon. John H. Holloman, III, then introduced Hon. William V. Alexander, Jr., member of the U.S. House of Representatives from Arkansas, who delivered the following address:

CRISIS IN RURAL AMERICA*

William V. Alexander

We are now seeing a very dramatic change taking place in American politics. For decades, the most valid claim that a candidate could make when running for political office was that, as back in Lincoln's day, he was born in a log cabin, he had walked miles to school that didn't have electric lights, he had walked behind a mule, or he had pulled a cotton sack.

But with the dwindling rural population, however, there are few candidates entering the political field today who can make such a claim. Most Americans today think of the farmer in the context of a very small minority, and nonurban America—Mississippi, Arkansas, Louisiana, the South—is only a place for city-dwellers to escape to on weekends.

During the past three decades, we have seen an exodus from the farm to the city that would make the Great Gold Rush of the 19th century look like a weekend outing.

We have seen our economy shift more and more from agriculture to industry. We have seen the bandana replaced by the hardhat, overalls by blue collared shirts, and tractors by air-conditioned automobiles commuting to the factory or to the city. As a further development, we have seen rural majorities in the South that our fathers and grandfathers used to their political advantage transformed into highly populated urban majorities.

I want to discuss this development with you for the next few

---

* This address has been abridged by the editor.

minutes. I want to try to put it into perspective. I would like to suggest the meaning that it has for me, as a citizen of the State of Arkansas, and possibly what applicability it may have to you in the State of Mississippi; I would like to suggest what directions our national policy should take as we recognize the realities of the 70's and beyond.

In the past twenty years we have seen agricultural employment in Arkansas decline from one-third of our total work force to less than nine percent of the total work force. Agricultural income, which used to constitute more than one-half of the state's personal income, now represents only about fifteen percent of the total personal income of the state. The Department of Commerce the other day declared that inasmuch as Arkansas now earned more from manufacturing than from agriculture, we are now classified as an industrial state, as distinguished from a non-industrial or agricultural state.

Farms have become larger and more mechanized in recent years. Laborers forced off of the farm, often lacking education and training in other occupations, have looked in vain for job opportunities in their regions. Looking in desperation, they have seen what appeared to be greener pastures in places such as Chicago, St. Louis, New York, and Washington. All too often, however, these greener pastures have turned out to be barren wastelands for these unemployed, under-trained, and under-educated people.

The result has been growing welfare rolls, deteriorating and overcrowded cities and, now, a national panic which is called the "Urban Crisis."

The mass exodus that we have seen from the farm to the town and from the town to the cities has not occurred because the people wanted it to occur. It has happened because economic circumstances have forced our people to leave our rural areas and go to the urban areas.

Farm laborers displaced by machines had little choice but to move. Residents of small towns with insufficient job opportunities had little choice but to move where jobs are available. Young people with college and advanced training had little choice but to move where they could receive salaries commensurate with their abilities and with their skills.

Our non-urban areas are losing their most valuable resources—human resources. And when we lose our brightest young people, we are losing the leadership potential that can provide us with direction on a state level, on a county level, and in our cities. There is no excuse for such a waste of manpower, talent, and potential.

Some eight years ago it was revealed by the University of Arkansas

that ninety percent of the graduates from that institution sought employment outside the state. I was one of them. I was one of those people who left Arkansas because he worried about its future and its potential. But I came back.

What does this mean to you, and what does it mean to me? As the song says, "No man is an island." We are a part of our state. We are a part of counties and towns where we live. If our states and towns prosper, we prosper. If our states and our towns have a problem, then we have a problem.

I want my children and the children of the people I represent to have adequate opportunities—educationally, socially, and professionally—within their home state. I want them to know and to love the area where I was raised—the open spaces, the clean air, the clean water, and the environment. For this dream to be a reality, however, we must begin the task of charting our course and planning our future.

Efforts have been made in non-urban sections of our nation to reverse these disastrous trends. The leaders in our cities and states have made progress and are continuing to make progress. But I contend, and loudly, that we need more cooperation from our national government.

I contend that our national government should recognize the value of keeping our farmers on the farm and the value of providing job opportunities that will have an effect on halting our population migration from town to city. It should recognize the economic advantage of providing for orderly population growth throughout the entire country, from coast to coast and from border to border.

From a purely economic standpoint, it is cheaper to provide adequate water in rural America than it is to clean up the water in the cities. Most cities have what they refer to as chemical mixtures, not water. It is cheaper to build adequate health and educational facilities in the spacious areas of rural America, or non-urban America, than it it is to rebuild the burned-out ghettos of urban America. It is cheaper to build and provide industrial parks in rural America than it is to continually expand and increase the urban sprawl and welfare programs in urban America. It is cheaper to provide housing in rural America than it is to continue building buildings on top of one another at inflated prices in the city.

In spite of these facts, however, which I have enumerated to you and with which you are no doubt familiar, it seems that our government continues the short-sighted policies of bailing water out of the boat instead of plugging up the leak. It is symptomatic of our entire

approach that we have a Department of Housing and Urban Development.

I have talked to George Romney about this problem, and he recognizes it, but he says priorities must be in the urban areas. Our national government in my opinion has been captivated by an urban syndrome that has closed out the vision of our national policy-makers toward rural America.

Does a Department of Housing and Urban Development suggest that these problems relate only to urban areas? I say, "No." Does a Department of Housing and Urban Development suggest that we have abandoned our rural areas and that we plan our country's development during the coming decades only in the urban sectors? I hope the answer is "no."

What we need is a Department of National Development. Rural America has not indicated that it wants to be ignored. Rural America has not proposed that it be left out of future planning and development in the United States.

What is the solution to the problems of the cities? Some say housing. We have plenty of room to build housing in our areas. Some say jobs. We have the capacity and the people to fulfill them. Some say transportation. We have the open spaces to negate the problems that exist in the cities. Some say clean water and clean air. We have the opportunity to preserve these qualities. Some say health and educational facilities. We have room for them.

All we need to recognize our dream, to fulfill our destiny, in the South and in all non-urban areas, is to have recognition by the national government in proportion to our needs and our capabilities.

This is the message that I have tried to share with my colleagues in the Congress. I have tried to emphasize that there are not just urban problems, and there are not just rural problems. We are one nation, and all of our problems are national problems.

Our problems will not be solved by division. One of the first lessons that I learned in the Congress is that little progress is made when the members divide themselves—north, south, east, west, urban or rural. We make progress only when there is cooperation, when there is mutual respect, and when there is mutual understanding.

The following named persons were elected to the Board of Directors:

NORTHERN DISTRICT:

Alex Gates, Indianola, One Year.
Gerald Jacks, Cleveland, Two Years.
B. Briggs Smith, Batesville, One Year.

CENTRAL DISTRICT:

H. Wingfield Glover, Meridian, One Year.
Thad Cochran, Jackson, Two Years.
Charles Ray Davis, Jackson, One Year.

SOUTHERN DISTRICT:

Tom Stennis, Gulfport, One Year.
Roy Williams, Pascagoula, Two Years.
Carrol Ingram, Hattiesburg, One Year.

There was held a Moot Court final argument of the University of Mississippi School of Law:

The Court:

Chief Justice William N. Etheridge
Presiding Justice Robert G. Gillespie
Associate Justice Neville Patterson

For Appellant:

Michael S. Allred
Kenneth A. Rutherford

For Appellee:

Earl Ford Fortenberry, Jr.
John Howard Shows

The annual convention of the Mississippi Junior Bar Association then adjourned.

The following is a list of past presidents of the Junior Bar Section:

1936—Hugh N. Clayton
1937—Jesse Graham (deceased)
1938—John C. Satterfield
1939—Charles A. Sisson
1940—George M. Ethridge, Jr.
1941—J. Morgan Stevens (deceased)
1942—Frank Everett, Jr.
1943—Richard E. Stratton, III
1944—Paul Parr (deceased)
1945—John W. Wade
1946—William N. Ethridge, Jr.
1947—James S. Eaton
1948—George Woodliff
1949—W. Arlington Jones
1950—E. Cage Brewer, Jr. (deceased)

1951—Kenneth Franks
1952—Robert G. Nichols, Jr.
1953—Lampkin H. Butts
1954—Joshua Morse, III
1955—Charles B. Henley
1956—George Morse
1957—Jack Travis
1958—K. Hayes Callicutt
1959—James F. Noble, Jr.
1960—Eaton A. Lang, Jr.
1961—E. C. Ward
1962—Frank A. Riley
1963—George P. Hewes, III
1964—Sherman Muths, Jr.
1965—B. B. McClendon, Jr.
1966—Edward P. Connell
1967—Robert Barnett
1968—Raymond Brown
1969—Pat H. Scanlon

UNIVERSITY OF MISSISSIPPI LAW SCHOOL REPORT*

Dean Joel W. Bunkley, Jr.

We appreciate the interest and support we receive from our alumni.

We want you to be fully apprised of what we are doing, what our plans are, and how we are attempting to fulfill our obligation to the State of Mississippi.

I am sure that the big question on the mind of each of you is our accreditation problem. Through the co-operation of Chancellor Fortune, Vice-Chancellor Bryant, the members of the Board of Trustees and our faculty, our present position is very good. We have been recommended to be censured by the executive committee of the AALS. I have spent the whole year on this most perplexing problem, and we have tried our best to meet the remedies which are necessary. Accreditation is imperative for any first-rate law school. Graduation from an accredited school is necessary for further graduate work and is necessary for commissioning in the Judge Advocate General programs.

Most library problems can be solved if you have a good librarian and money. We are extremely fortunate to have an intelligent and dedicated librarian, Bill Murray. We need more money. We must increase our annual library budget, and we must supplement the budget. Your gifts have been of immeasurable benefit to us. The corporate

*This report, though not a part of the bar proceedings, has been included in abridged form by the editor. It was deemed appropriate for this issue.

giving program of the alumni chapter has kept us on our feet, and we thank you for your efforts.

We have made changes in our curriculum which we feel will help us reach that delicate balance between legal theory and the practical application of principles studied. In addition to the required first-year courses, our students are now required to take Moot Court, Mississippi Practice, Evidence, Legal Profession, and Criminal Procedure.

In keeping with our obligation to provide quality legal education and graduate people who will be assets to the bar, we have increased our admission standards. At the present time we require an applicant to receive at least a 495 on the Law School Admission Test or a grade point average of at least 2.45 for his undergraduate work. In effect, this means that he has at least a "C+" average or is in the middle percentile on the admission test.

We are now in the process of establishing an internship program through the Division of Law Enforcement Assistance. We have been most fortunate in receiving a fund of $36,000 per year for four years to aid in a limited program for students interning with prosecuting attorneys. We have applied for a grant with the Council on Legal Education for Professional Responsibilities to aid in a general internship program in law offices. I feel the bar is interested in the program and that it will be a definite asset to our students.

This year the Law Alumni Chapter, under the leadership of George Hewes, received gifts totaling over $14,000, most of which were earmarked for scholarships and for strengthening the law library.

We now have an established graduate program under the direction of Dr. Gorove. At present we have 21 students. This program is still in its infancy and will be subject to further development and planning.

We do appreciate your interest in the law school. We are devoting our talents to the development of an even finer law school, and we are confident that with your support this goal shall be attained.

STUDENT COMMENTS

TRESPASSERS, LICENSEES, AND INVITEES: ARE THE DISTINCTIONS NEEDED?

I. Introduction

It is a fundamental legal concept that a person who is negligent will be liable for the injuries which he has caused to others. A nineteenth century English court defined the scope of duty as follows:

> [W]henever one person is by circumstances placed in such a position with regard to another that everyone of ordinary sense who did think would at once recognize that if he did not use ordinary care and skill in his own conduct with regard to those circumstances, he would cause danger of injury to person or property of the other, a duty arises to use ordinary care and skill to avoid such danger.[1]

The possessor or occupier[2] of land owes a lesser duty to persons who are visiting his premises than that stated in the above formula.[3] The status classification of the visitors, who may be either a trespasser, a licensee, or an invitee is primarily the determinative factor in requiring a lesser duty. This classification system determines the duty owed by the possessor of the land to the visitor.

The plaintiff in *Astleford v. Milner Enterprises, Inc.*[4] challenged this classification, which was established as early as 1866,[5] as arbitrary and unjustified in this age of social awareness. The plaintiff appealed to the Mississippi Supreme Court, seeking a reversal of a directed verdict which was based solely upon the classification of the plaintiff as a licensee rather than an invitee.[6] Though the Mississippi Supreme Court affirmed the lower court's directed verdict, Justice Inzer, writing for the court, stated:

> It is the thinking of this writer, but not necessarily that of the Court, that this area of law merits further study in the light of

---

[1] Heaven v. Pender, 11 Q.B.D. 503, 509 (1883).

[2] Restatement (Second) of Torts § 328 E (1965) [hereinafter cited as Restatement] states:

> A possessor of land is
> (a) a person who is in occupation of the land with intent to control it or
> (b) a person who has been in occupation of land with intent to control it, if no other person has subsequently occupied it with intent to control it, or
> (c) a person who is entitled to immediate occupation of the land, if no other person is in possession under Clauses (a) and (b).

[3] 2 F. Harper and F. James, Law of Torts § 27.1, at 1430 (1956) [hereinafter cited as Harper and James].

[4] 233 So. 2d 524 (Miss. 1970).

[5] Indermaur v. Dames, L.R. 1 C.P. 274 (1866), *aff'd*, L.R. 2 C.P. 311 (1867).

[6] Astleford v. Milner Enterprises, Inc., 233 So. 2d 524 (Miss. 1970).

> present day conditions, and it may well be that this Court will in the future abandon the traditional distinction between trespassers, licensees and invitees, or at least draw a distinction between active and passive negligence insofar as a licensee is concerned.[7]

Since the classification of visitors as either trespassers, licensees, or invitees originated, there has been a slow process of erosion. The exceptions to the immunity doctrine for the landowner have grown, and the erosion trend has, in fact, become one of abolition. It is submitted that the *Astleford* case demands an analysis of the historical development of these classifications, an examination of the Mississippi cases which support the landowner immunity rule, and a critical discussion of the abolition trend. This comment will attempt to meet these demands.

II. Historical Development

The immunity from liability for the possessor of land developed during the nineteenth century. Since the prevailing jurisprudential theories and the social objectives of the nineteenth century differ from those of the twentieth century, the development of liability could be expected to differ from what might have developed if courts were faced with deciding liability for the first time today. Freedom of contract, free enterprise, and unrestricted uses of property took precedent over human welfare. "This was an age which had not overthrown the feudal principle that an owner is sovereign on his own property."[8] One of the first cases exemplifying this philosophy was *Southcote v. Stanley*.[9] The defendant was the owner of a hotel into which he had invited the plaintiff to come as a visitor. In order for the plaintiff to leave, he had to open a large glass door from which a piece of glass fell and injured him. The court held that the plaintiff was a social guest, or, in other words, a licensee. Commenting upon *Indermaur v. Dames*,[10] a case which came nearly ten years after *Southcote*, Professor Norman Marsh said:

> At that time the privileged position of the landowner was taken for granted, whereas the principle that a man should be

---

[7] *Id.* at 526.

[8] Comment, *The Outmoded Distinction Between Licensees and Invitees*, 22 Mo. L. Rev. 186, 187 (1957).

[9] 1 H. & N. 247, 156 Eng. Rep. 1195 (1856).

[10] L.R. 1 C.P. 274 (1866), *aff'd*, L.R. 2 C.P. 311 (1867). The defendant, a sugar refiner, kept a hole or shoot on a level with the floor so that sugar could be raised or lowered to different stories. It was often kept open for ventilation purposes. No rail surrounded the shoot. The plaintiff, a journeyman gasfitter, was on the defendant's premises to check several gas burners in order to test a new gas regulator. The plaintiff fell through the hole and was injured. The court held that there had been a breach of duty and held the defendant liable for the plaintiff's injury.

> responsible for damage which he ought reasonably to have foreseen was, as a general principle, inconceivable, and only hesitantly recognized in a limited number of cases.[11]

The sanctity of property was not the sole reason for the development of the distinction between trespassers, licensees, and invitees. Judges, who were identified with the English landholding class, were hesitant to allow a jury which was composed of potential visitors to property rather than landowners to decide this type of case. Judges kept the extension of the law in their own hands. Therefore, English judges expanded certain existing principles of law in order to prevent visitors to property from recovering damages from the occupier or possessor of land.[12] This expansion process drew mainly upon four areas of law—nuisance on the highway, contracts, fraudulent conduct, and wrongs of commission rather than omission.[13]

The distinctions between trespassers, licensees, and invitees were firmly established when the general principles of negligence began to develop. It was not until 1883 that Brett, Master of the Rolls in England, made one of the first attempts to state a formula of duty,[14] which was previously quoted. When the law of negligence, which presupposes some uniform standard of behavior requiring the actor to conform to a certain standard of conduct for the protection of others,[15] first appeared, the courts attempted to apply the negligence theory to occupiers of land.[16] However, the result was a compromise between the theory of negligence and the concept of property ownership. The compromise was a limitation on the liability of the owner or occupier of land in terms of the negligence requirement of a "duty."[17] The duty of the land occupier was dependent upon the status of the individual entering the owner's premises. The leading case fixing the three classes to visitors to land was *Indermaur v. Dames*, decided in 1867.[18] A later case which

---

[11] Marsh, *The History and Comparative Law of Invitees, Licensees and Trespassers*, 69 L. Q. REV. 182, 184 (1953).

[12] *Id.* at 184.

[13] *Id.* at 186-96.

[14] Heaven v. Pender, 11 Q.B.D. 503, 509 (1883).

[15] W. PROSSER, LAW OF TORTS § 32, at 153 (3d ed. 1964) [hereinafter cited as PROSSER]. *See also* Comment, *Loss of the Land Occupier's Preferred Position—Abrogation of the Common Law Classifications of Trespasser, Invitee, Licensee*, 13 ST. LOUIS L.J. 449 (1969) [hereinafter cited as Comment, *Loss of the Land Occupier's Preferred Position*].

[16] Winfield, *The History of Negligence in the Law of Torts*, 42 L. Q. REV. 184 (1926).

[17] PROSSER § 58, at 364.

[18] L.R. 1 C.P. 274 (1866), *aff'd*, L.R. 2 C.P. 311 (1867).

illustrated the absolute rigidity of these classifications was *Robert Addie and Sons v. Dumbreck*.[19] In *Dumbreck*, Lord Dundin said:

> What I particularly wish to emphasize is that there are the three different classes—invitees, licensees, trespassers . . . . Now the line that separates each of these three classes is an absolutely rigid line. There is no half-way house, no noman's land between adjacent territories.[20]

The English courts faced a second problem in classifying the visitor to the property of the landowner. The difficulty arose in distinguishing a business visitor (paying guest) from a gratuitous lodger, as in a private home. The earliest case in which this distinction was discussed was *Parnaby v. Lancaster Canal Company*.[21] The court held that the defendants, who operated a canal from which they failed to remove a sunken obstruction with resulting damage to the plaintiff's boat, were liable for the damage since the plaintiff had paid for the privilege of passing through the canal.[22]

As can be seen from this short history, the distinctions between trespassers, licensees, and invitees were developed early in English law. It required but a short crossing of the Atlantic for these distinctions to find a home in American jurisprudence.

An early New York case which adopted the distinction between the duty owed a licensee and the duty owed an invitee was *Sterger v. Vansiclen*.[23] The court stated that the distinctions which were used in New York were a product of English law. The court said: "Mr. Pollock cites in support of the rule quoted, English decisions, mainly; but the same rule has been generally, if not universally, applied in the various jurisdictions in this country."[24] Though American courts have developed some exceptions—the primary one being that of active and passive negligence—there remains an adherance to these rigid and often arbitrary distinctions. This *stare decisis* attitude is paramount in Mississippi law today.

III. Mississippi Law—Trespassers

A. *Who Is a Trespasser?*

A trespasser is one who enters or remains on the land owned or possessed by another without the privilege to do so; he is present with-

[19] [1929] A.C. 358, 371, as cited in Prosser, n.63 at 364.

[20] *Id.*

[21] (1839) 11 Ad. & El. 223 as cited in Prosser, *Business Visitors and Invitees*, 26 Minn. L. Rev. 573, 576 & n.14 (1942).

[22] *Id.*

[23] 132 N.Y. 499, 30 N.E. 987 (1892).

[24] *Id.*, 30 N.E. at 989.

out lawful right, authority, or invitation, either expressed or implied, of the owner.[25] A trespasser can also be a licensee or an invitee who has gone into an area not designed, adapted, or prepared for his presence, or into an area where the occupier could not reasonably expect him to be.[26]

B. *The Duty Owed a Trespasser*

The general rule seems to be that the only duty owed to a trespasser by an occupier or possessor of land is to refrain from reckless, wanton, or intentional injury.[27] The Mississippi Supreme Court has followed this general rule.[28] Why does the possessor or occupier of land not come under a duty to take reasonable precaution to prevent either the condition of his land or the activities upon the land from causing foreseeable and unreasonable risk of harm to trespassers? Professor Fleming James has given four main reasons for the rule. These reasons are that people are not likely to trespass, that any other type of duty would be an unreasonable burden on the land, that the trespasser is a wrongdoer, and finally that the trespasser assumes any risk incurred by entering the premises.[29] Even though these reasons are highly questionable, the Mississippi Supreme Court has continued to use the "willful and wanton negligence" rule.[30]

---

[25] RESTATEMENT § 329 states:

> A trespasser is a person who enters or remains upon land in the possession of another without a privilege to do so created by the possessor's consent or otherwise.

See PROSSER § 58, at 365. Marlon Investment Co. v. Conner, 246 Miss. 343, 349, 149 So. 2d 312, 314-15 (1963). The Marlon case defines a trespasser under Mississippi law. *See also* Kelley v. Sportsmen's Speedway, 224 Miss. 632, 644, 80 So. 2d 785, 791 (1955).

[26] Langford v. Mercurio, 183 So. 2d 150 (Miss. 1966). In the Langford case the court said:

> [T]he appellee was an invitee . . . she went far beyond the limits of the invitation . . . . She no longer was an invitee, but by her acts she became either a trespasser, or at best, a mere gratuitous licensee as to the premises over which she fled. *Id.* at 156.

See also Selley v. McWilliams Realty Corp., 246 Miss. 568, 151 So. 2d 596 (1963); Dry v. Ford, 238 Miss. 98, 117 So. 2d 456 (1960); Kelley v. Sportsmen's Speedway, 224 Miss. at 648, 80 So. 2d at 792-93; RESTATEMENT § 332, Comment c. *See also* Comment, *Liability of a Land Occupier to Persons Injured on His Premises: A Survey and Criticism of Kansas Law*, 18 KAN. L. REV. 161, 174 (1969).

[27] PROSSER § 58, at 365; RESTATEMENT § 333 states:

> Except as stated in §§ 334-339, a possessor of land is not liable to trespassers for physical harm caused by his failure to exercise reasonable care
> (a) to put the land in a condition reasonably safe for their reception, or
> (b) to carry on his activities so as not to endanger them.

[28] Langford v. Mercurio, 183 So. 2d at 154 (Miss. 1966); Kelley v. Sportsmen's Speedway, 224 Miss. at 644, 80 So. 2d at 791.

[29] James, *Tort Liability of Occupiers of Land: Duties Owed to Trespassers*, 63 YALE L.J. 144, 150-53 (1953).

[30] Langford v. Mercurio, 183 So. 2d 150 (Miss. 1966); Kelley v. Sportsmen's Speedway, 224 Miss. 632, 80 So. 2d 785 (1955).

Although the formula is stated with finality, it is immediately obvious upon reading the *Second Restatement of Torts* that there are exceptions[31] to the willful and wanton rule.

The first exception is that the possessor of land who knows that there are constant trespassers upon a limited area of his premises is liable to the trespasser for bodily harm which resulted either from highly dangerous activities or from highly dangerous artificial conditions.[32] A second exception is that the occupier or possessor of land who knows or has reason to know of trespassers upon his land is subject to liability for physical harm suffered by the trespasser either from dangerous activities or from highly dangerous artificial conditions on the land.[33] However, this liability on the part of the landowner arises only if the landowner fails to exercise reasonable care. These exceptions indicate a disenchantment with the idea of no liability for the landowner regardless of the circumstances. The courts have increasingly felt that human welfare and safety outweigh the possessor's unrestricted use of his land. Thus, the question arises whether the duty of the possessor of land should be limited by a status classification.

IV. Mississippi Law—Licensees

A. *Who Is a Licensee?*

The *Restatement* defines a licensee as a "person who is privileged to enter or remain on the land only by virtue of the possessor's consent."[34] Dean Prosser said that the word, "licensee," as most commonly used by the courts, is "limited to those who enter with that consent [to enter upon the land] and nothing more."[35] The Mississippi Supreme Court has defined a licensee as a "person who is privileged to enter upon the land by virtue of the possessor's consent or permission."[36] The court has further said that "consent may be expressed by acts other than words,"[37] and that the question of whether consent has been given or implied is often a question for the jury.[38] The Mississippi court has

---

[31] Restatement § 333; Prosser § 58, at 365.

[32] Restatement §§ 334-35; Prosser § 58, at 368.

[33] Restatement §§ 336-37; Prosser § 58, at 369.

[34] Restatement § 330.

[35] Prosser § 60, at 385.

[36] Marlon Investment Co. v. Conner, 246 Miss. at 350, 149 So. 2d at 315.

[37] *Id. See also* Allen v. Yazoo & M.V.R.R., 111 Miss. 267, 71 So. 386 (1916); Lepnick v. Gaddis, 72 Miss. 200, 16 So. 213 (1894).

[38] Marlon Investment Co. v. Conner, 246 Miss. 343, 149 So. 2d 312 (1963).

also defined a licensee as a "person who enters upon the property of another for his own convenience, pleasure, or benefit."[39]

B. *The Duty Owed to a Licensee*

Having determined that the status of a visitor to the premises is that of a licensee, the Mississippi court, as late as 1970, stated that "the possessor of the premises owed her [the licensee] the duty not to willfully or wantonly injure her."[40] This concept of duty which is owed by the occupier of the premises to the licensee is based upon a long line of cases, none of which have deviated from the rule.[41] The court has recognized that the occupier of the premises has a duty not to set "traps" for the licensee by exposing him to hidden perils.[42] The court said:

> The duty is not to maintain the land in safe condition, but to disclose to the licensee any concealed, dangerous condition on the premises of which the owner has knowledge, and to exercise reasonable care to see that the licensee is aware of the danger.[43]

Under Mississippi law, the licensee can expect to be warned of the existing perils or hazards which exist on the land.

However, the Mississippi Supreme Court has refused to depart from the "willful and wanton" rule in relation to activities of the occupier of the premises,[44] even though some courts have recognized that the occupier's duty is one of reasonable care when there is active negligence.[45]

---

[39] Kelley v. Sportsmen's Speedway, 224 Miss. at 643, 80 So. 2d at 790; *See also* Murry Chevrolet Co. v. Cotten, 169 Miss. 521, 152 So. 657 (1934); Yazoo & M.V.R.R. v. Mansfield, 160 Miss. 672, 134 So. 577 (1931).

[40] Astleford v. Milner Enterprises, Inc., 233 So. 2d at 524 (Miss. 1970).

[41] White v. Mississippi Power & Light Co., 196 So. 2d 343 (Miss. 1967); Langford v. Mercurio, 183 So. 2d 150 (Miss. 1966); Mississippi Power & Light Co. v. Walters, 248 Miss. 206, 158 So. 2d 2, *corrected* at 160 So. 2d 908 (1963); Dry v. Ford, 238 Miss. 98, 117 So. 2d 456 (1960); Bishop v. Stewart, 234 Miss. 409, 106 So. 2d 899 (1958); Murry Chevrolet Co. v. Cotten, 169 Miss. 521, 152 So. 657 (1934).

[42] Marlon Investment Co. v. Conner, 246 Miss. at 351, 149 So. 2d at 315. In this case the defendant, Marlon Investment Co., maintained unlighted steep concrete stairs down to its basement. Marlon did not use the stairs. The plaintiff was seeking out one Gammel in order to procure change for certain coin-operated machines. A sign hanging over the abandoned staircase read "Gammel Music Co., Downstairs." The plaintiff, having been misled by the sign, started down the stairs, but realizing that he was going down the wrong staircase the plaintiff tried to return but slipped and fell to the bottom of the stairs. *See also* Wright v. Caffey, 239 Miss. 470, 123 So. 2d 841 (1960); Dry v. Ford, 238 Miss. 98, 117 So. 2d 456 (1960).

[43] Marlon Investment Co. v. Conner, 246 Miss. at 350, 149 So. 2d at 315.

[44] Astleford v. Milner Enterprises, Inc., 233 So. 2d at 525-26.

[45] RESTATEMENT § 341; PROSSER § 60, at 388-89; HARPER & JAMES § 27.10, at 1476.

The California courts have recognized the active negligence distinction for some time.[46] In *Yamauchi v. O'Neill*,[47] the California Supreme Court said:

> [T]here can be no doubt whatever that the negligent operation of a moving vehicle in a place where the operator has good reason to expect the presence of licensees constitutes active negligence as distinguished from passive negligence. Under such circumstances the duty owed by the operator of the moving vehicle to a licensee, whether such operator be the licensor or any other person, is not merely the duty to refrain from willful or wanton conduct but is the duty to exercise ordinary care.[48]

Exactly the same situation existed in *Astleford v. Milner Enterprises, Inc.*, in which the Mississippi Supreme Court refused to recognize the active negligence exception. In an earlier case, the Mississippi court recognized the active negligence exception, but refused to apply the exception because the circumstances of the licensee's injury negated the application of the exception.[49] Thus, under Mississippi law the licensee may recover only if the occupier is guilty of willful and wanton negligence.

In at least one case the Mississippi court found that the occupier of the premises was guilty of such gross negligence as to hold him liable for the injuries of a licensee.[50] In this case, the father of the plaintiffs was killed by an explosion of a blow torch which had been accidentally placed upon a hot stove near which the plaintiffs' father was standing. The service manager had observed that the mechanic had placed the blow torch upon the hot stove, but the manager had given no warning. The court said: "In fact, he appears to us to have been guilty of negligence so gross as to amount, in law, to wantonness."[51] Though the plaintiffs were able to recover, even under the "willful

---

[46] Yamauchi v. O'Neill, 38 Cal. App. 2d 703, 102 P.2d 365 (1940); *See also* Anderson v. Anderson, 251 Cal. App. 2d 409, 59 Cal. Rptr. 342 (1967); Hanson v. Richey, 237 Cal. App. 2d 475, 46 Cal. Rptr. 909 (1965).

[47] 38 Cal. App. 2d 703, 102 P.2d 365 (1940).

[48] *Id.*, 102 P.2d at 367.

[49] Kelley v. Sportsmen's Speedway, 224 Miss. 632, 80 So. 2d 785 (1955). Franklin Kelley was struck by a flying car wheel while standing in the pit watching a stock car race. The court said:

> It does not appear that Franklin Kelley was injured as a result of the active negligence of the appellees or the driver of the stock car. *Id.* at 647, 80 So. 2d at 792.

See also Colgrove v. Lampoc Model "T" Club, Inc., 51 Cal. App. 2d 18, 124 P.2d 128 (1942).

[50] Murry Chevrolet Co. v. Cotten, 169 Miss. 521, 152 So. 657 (1934).

[51] *Id.* at 529, 152 So. at 659.

and wanton" rule, such recovery is rare, for the licensee distinction is used to protect the occupier from liability.

C. *The Social Guest*

The inclusion of the social guest in the licensee classification has probably caused the greatest disagreement and comment. The occupier of the land or premises usually has expressly invited the social guest, yet he is not an "invitee" in legal terminology. He is a licensee.[52] Dean Prosser states "that a social guest, however cordially he may have been invited . . . is not in law an invitee—a distinction which has puzzled generations of law students, and even some lawyers."[53] The explanation usually given is that the guest is considered an additional member of the host's family. Thus, the guest cannot expect the host to prepare the premises for his reception or to take any precautions for his safety.[54]

The Mississippi Supreme Court has continued to classify a social guest as a licensee.[55] In *Wright v. Caffey*,[56] the court, citing a legal encyclopedia, said:

> *The guest assumes the ordinary risks which attach to the premises. No exception is made to the rule because of the fact that the guest enters on the host's express invitation to enjoy his hospitality.*[57]

The court cited *Wolfson v. Chelist*,[58] a Missouri case, which has practically the same factual situation as existed in *Wright*. In *Wolfson*, the Missouri court said that the plaintiff was a social guest—a licensee—and thus could not recover from the owner of the premises.[59] Is it logical or justifiable to use the licensee classification as a limiting factor on the duty owed by the occupier of the land to a visitor on his property?

V. Mississippi Law—Invitees

A. *Who Is an Invitee?*

"Invitee" is a word of art, with a special meaning in the law which does not necessarily coincide with the popular definition. Invitees generally fall into two classes:

1. those who enter as members of the public for a purpose for which the land is held open to the public; and

---

[52] Restatement § 330, Comment h (3).

[53] Prosser § 60, at 387.

[54] Restatement, *supra* note 52.

[55] Wright v. Caffey, 239 Miss. 470, 123 So. 2d 841 (1960).

[56] *Id.*

[57] *Id.* at 476, 123 So. 2d at 843.

[58] 284 S.W.2d 447 (Mo. 1955).

[59] *Id.*

2. those who enter for a purpose connected with the business of the possessor.[60]

In *Nowell v. Harris*,[61] the Mississippi Supreme Court defined an invitee as

> [A] person who goes on the premises of another in answer to the expressed or implied invitation of the owner or occupant on the business of the owner or occupant or for their mutual advantage.[62]

The plaintiff, a truck driver, sued both his employer and a lumber yard operator for injuries sustained by him when a stack of lumber fell on him while he was delivering lumber to the yard for his employer. The court said the plaintiff was a "business invitee."[63]

Courts often use one of two tests to determine if a visitor is an invitee. These two tests are the "economic benefit" test[64] and the "invitation" test.[65] The economic benefit test is based upon the theory that the occupier of the land owes a higher duty of care to the visitor from whom he will derive a pecuniary benefit.[66] The invitation test is based upon the assumption that since the occupier has invited the public to enter upon his premises, he has also prepared for a safe entrance by the visitor.[67] The Mississippi court's definition of an invitee in *Nowell v. Harris* seems to indicate an acceptance of only the economic benefit test. Thus a visitor who meets the economic benefit test will be considered an invitee. This view is supported by the fact that the Mississippi Supreme Court refused to allow a plaintiff to recover for injuries suffered as a result of tripping and falling over the handle of a hydraulic jack at a service station where the plaintiff had gone to see an employee on personal business.[68] The court stated:

> He did not go at the instance of the operator of the station nor for the purpose of transacting any business with the filling station. The fact that cold drinks, nabs, cookies, cigarettes and other sundries were sold at the filling station, does not alter the fact that on this occasion the plaintiff was a mere licensee on the premises and not an invitee for the purpose of making

---

[60] RESTATEMENT § 332, Comment a.

[61] 219 Miss. 363, 68 So. 2d 464 (1953).

[62] *Id.* at 370, 68 So. 2d at 467. *See also* Wright v. Caffey, 239 Miss. 470, 123 So. 2d 841 (1960); Strand Enterprises v. Turner, 223 Miss. 588, 78 So. 2d 769 (1955); Patterson v. Sayers, 223 Miss. 444, 78 So. 2d 467 (1955).

[63] Nowell v. Harris, 219 Miss. 363, 68 So. 2d 464 (1953).

[64] PROSSER § 61, at 396; HARPER & JAMES § 27.12, at 1478.

[65] PROSSER § 61, at 398; HARPER & JAMES § 27.12, at 1478.

[66] PROSSER § 61, at 396; HARPER & JAMES § 27.12, at 1478.

[67] PROSSER § 61, at 398; HARPER & JAMES § 27.12, at 1479.

[68] Graves v. Massey, 227 Miss. 848, 87 So. 2d 270 (1956).

> *any* purchase or transacting any other business with the filling station on that occasion.[69] (emphasis added).

It would seem that there is a continuing implied invitation to the public and that the service station should be liable for any visitor's injuries which resulted from the station's failure to exercise reasonable care. If the plaintiff in *Nowell v. Harris* had purchased a cold drink for ten cents, he would have become an invitee under the economic benefit test, and the station would have owed him the duty to exercise reasonable care. Thus, the distinction drawn by the Mississippi court is arbitrary and unreasonable.

B. *The Duty Owed an Invitee*

Having established the status of the visitor to be that of an invitee, Mississippi cases hold that the occupier of land owes an invitee the duty of reasonable or ordinary care in keeping the premises free of hazards and in warning of concealed perils of which the occupier knows or should know through the exercise of reasonable care.[70] The duty of reasonable care is required by ordinary principles of negligence. It should be understood, however, that the occupier of the premises does not become the insurer against all injuries to a business invitee.[71] The Mississippi court has also adopted an exception to the duty of reasonable care required of the occupier. In *First National Bank of Vicksburg v. Cutrer*,[72] the court said that " . . . the owner is not required to anticipate or foresee unusual and improbable results as a consequence of the condition of the premises."[73]

---

[69] *Id.* at 851, 87 So. 2d at 271.

[70] General Tire and Rubber Co. v. Darnell, 221 So. 2d 104 (Miss. 1969); First Nat'l Bank of Vicksburg v. Cutrer, 214 So. 2d 465 (Miss. 1968); Stanley v. Morgan & Lindsey, Inc., 203 So. 2d 473 (Miss. 1967); Daniels v. Morgan & Lindsey, Inc., 198 So. 2d 579 (Miss. 1967); F. W. Woolworth Co. v. Stokes, 191 So. 2d 411 (Miss. 1966); Sears, Roebuck & Co. v. Tisdale, 185 So. 2d 916 (Miss. 1966); Colson v. Sims, 254 Miss. 99, 180 So. 2d 327 (1965); Moore v. Winn-Dixie Stores, Inc., 252 Miss. 693, 173 So. 2d 603 (1965); Winn-Dixie Super Markets v. Hughes, 247 Miss. 575, 156 So. 2d 734 (1963); Gulfport Winn-Dixie, Inc. v. Taylor, 246 Miss. 332, 149 So. 2d 485 (1963); Williamson v. F. W. Woolworth Co., 237 Miss. 141, 112 So. 2d 529 (1959); Wallace v. J. C. Penney Co., 236 Miss. 367, 109 So. 2d 879 (1959); Strand Enterprises v. Turner, 223 Miss. 588, 78 So. 2d 769 (1955); Patterson v. Sayers, 223 Miss. 444, 78 So. 2d 467 (1955).

[71] General Tire and Rubber Co. v. Darnell, 221 So. 2d 104 (Miss. 1969); First Nat'l Bank of Vicksburg v. Cutrer, 214 So. 2d 465 (Miss. 1968); Stanley v. Morgan & Lindsey, 203 So. 2d 473 (Miss. 1967); Daniels v. Morgan & Lindsey, Inc., 198 So. 2d 579 (Miss. 1967); Sears, Roebuck & Co., v. Tisdale, 185 So. 2d 916 (Miss 1966); Gulfport Winn-Dixie, Inc. v. Taylor, 246 Miss. 332, 149 So. 2d 485 (1963); Wallace v. J. C. Penney Co., 236 Miss. 367, 109 So. 2d 879 (1959).

[72] 214 So. 2d 465 (Miss. 1968).

[73] *Id.* at 466. *See also* General Tire and Rubber Co. v. Darnell, 221 So. 2d 104 (Miss. 1969); Stanley v. Morgan & Lindsey, 203 So. 2d 473 (Miss. 1967).

The occupier's liability to invitees, therefore, is usually based upon ordinary principles of negligence. These negligence principles should be used, but they can only be applied after the visitor to the land has been classified as an invitee. Is this status classification necessary for an orderly process of determining liability?

VI. The Trend: Abolition of the Distinctions

The Mississippi Supreme Court has religiously followed precedent and adhered to the status classifications of the common law as *the* means of determining the duty owed to a visitor on the premises of another. Strong criticism has been directed at the use of these common law rules. Courts and writers have pointed out the difficulties of accurately classifying the visitor as either an invitee, licensee, or trespasser. These same authorities have argued that such status classifications are arbitrary and inflexible.[74] It is evident that these criticisms, changing social values, and an increasing emphasis on human welfare have forced the courts either to recognize exceptions to the duty requirement or to abolish the distinctions entirely.[75] The New Jersey Supreme Court accurately described the situation:

> In modern times the immunities have rightly, though gradually, been giving way to the overriding social view that where there is foreseeability of substantial harm landowners, as well as other members of society, should generally be subjected to a reasonable duty of care to avoid it.[76]

In 1959, the United States Supreme Court refused to adopt the common law rules relating to the liability of a possessor of land for the law of admiralty.[77] The Court said that the ship owner "owes to all who are on board for purposes not inimical to his legitimate interests the duty of exercising reasonable care under the circumstances of each case."[78] Thus, the United States Supreme Court recognized that the common law distinctions could not be blindly followed.

It was against this backdrop of history that the California Supreme Court decided to abandon the special rules for governing occupiers of land in favor of the ordinary principles of negligence liability.[79] California thus became the first state to abolish the historical classification of trespassers, licensees, and invitees. It is interesting to note that England, the country in which these classifications originated, had abolished

---

[74] Harper & James §§ 27.1-27.14, at 1430-98. *See also* Henson v. Richey, 237 Cal. App. 2d 475, 46 Cal. Rptr. 909 (1965).

[75] Comment, *Loss of the Land Occupier's Preferred Position*, at 453-54.

[76] Taylor v. New Jersey Highway Authority, 22 N.J. 454, 126 A.2d 313, 317 (1956).

[77] Kermarec v. Compagnie Generale, 358 U.S. 625 (1959).

[78] Id. at 632.

the distinctions between licensees and invitees[80] eleven years prior to *Rowland v. Christian.*[81]

In *Rowland* the plaintiff was invited into the defendant's apartment, and during the visit the plaintiff used the defendant's bathroom. When the plaintiff attempted to turn off the water faucet, the porcelain handle broke, severing the tendons in the plaintiff's right hand. The plaintiff brought an action for personal injuries and alleged that the defendant knew of the defect but had not warned the plaintiff. The defendant was given a summary judgment upon the basis that the plaintiff was a social guest. The California Supreme Court reversed the lower court and held that the visitor's status would not be determinative of liability, but would be one of the factors considered in deciding whether there had been a breach of duty of ordinary care and skill. The court set forth the test:

> The proper test to be applied to the liability of the possessor of land in accordance with section 1714 of the Civil Code is whether in the management of his property he has acted as a reasonable man in view of the probability of injury to others, and, although the plaintiff's status as a trespasser, licensee, or invitee may in the light of the facts giving rise to such status have some bearing on the question of liability, the status is not determinative.[82]

In April of 1969, the Supreme Court of Hawaii followed the lead of the California court. In *Pickard v. City and County of Honolulu,*[83] the Hawaiian court said:

> We believe that the common law distinctions between classes of persons have no logical relationship to the exercise of reasonable care for the safety of others. We, therefore, hold that an occupier of land has a duty to use reasonable care for the safety of all persons reasonably anticipated to be upon the premises, regardless of the legal status of the individual.[84]

The plaintiff in *Pickard* had obtained permission to use the restroom at the Honolulu Courthouse and was injured when he fell through a

---

[79] Rowland v. Christian, 69 Cal. 2d 108, 443 P.2d 561, 70 Cal. Rptr. 97 (1968).

[80] Occupiers Liability Act, 5 & 6 Eliz. 2, c. 31 (1957). Section 2 of the Act states:

(1) An occupier of the premises owes the same duty, the 'common duty of care,' to all his visitors . . . .

(2) The common duty of care is a duty to take such care as in all circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.

[81] 69 Cal. 2d 108, 443 P.2d 561, 70 Cal. Rptr. 97 (1968).

[82] *Id.* at 104, 443 P.2d at 568.

[83] 452 P.2d 445 (Hawaii 1969).

[84] *Id.* at 446.

hole which he could not see because the light switch was not working. The defendant contended that the plaintiff was a mere licensee and hence the only duty owed to the plaintiff was not to harm him willfully or wantonly. The Hawaiian Supreme Court rejected the "willful and wanton" rule and in its place substituted the duty of reasonable care.[85]

VII. Adherance or Abolition?

Since the Mississippi Supreme Court has rigidly adhered to the use of the trespasser, licensee, and invitee distinction, and the Supreme Courts of California and Hawaii have ceased to use the distinctions and have substituted therefore the "reasonable care" doctrine, the question arises whether the abolition trend should be followed. If the finding is that the distinctions should be abolished, what is the basis for this conclusion?

The most obvious argument for the abolition of these status distinctions is that the social and moral values of the twentieth century are dissimilar to those of the nineteenth century. This is a valid argument, for human welfare is of such importance that courts have refused to sustain immunity for the landowner solely because he owns property. The revitalization of strict liability indicates the courts' awareness of the need to protect the unwary plaintiff from harm and reimburse him for his injuries. It is not suggested that property rights should have no protection. The United States Supreme Court has indicated that demonstrators do not have the right to enter private property for the purpose of demonstrating against alleged civil rights violations.[86] The demonstration cases merely prohibit the misuse or destruction of private or state property, whereas the trespasser, licensee, and invitee cases deny an injured plaintiff the right of recovery because of his status in relation to the owner of the land. Actually the landowner's "property" rights are not subrogated to the whim of the plaintiff; instead, the landowner is asked only to bear the loss suffered by the plaintiff who is injured as a result of the occupier's negligence—the failure to use reasonable care to prevent a foreseeable injury to a foreseeable plaintiff.

As has been previously stated, the theory of negligence developed during the nineteenth century when property ownership determined the prevailing values of society. Thus the distinctions which protected the occupier from liability were retained, and the negligence concept was not applied to the landowner. Today nearly all of tort law depends upon the concept of negligence which requires a person to conform to

[85] *Id.* at 445-46.

[86] Adderley v. Florida, 385 U.S. 39 (1966).

a certain standard of conduct for the protection of others.[87] The standard of conduct is a community standard which is the product of the jury's social judgment.[88] Since nearly all other tort cases are based upon the doctrine of due care, logical reasoning seems to demand the same standard of care from the landowner who through his own negligence has caused injury to a plaintiff whose presence could be foreseen.

There is no argument that the presence of a licensee who has entered the premises with the consent of the possessor[89] cannot be anticipated. However, the question of foreseeability does arise when the injured party is a trespasser. It can be stated with justification that the trespasser is foreseeable, but the problem is the size of the trespasser class. The class includes child trespassers, adults, burglars, and thieves, as well as those who habitually use the occupier's property as a shortcut.[90] These varied types of trespassers present totally different questions of liability. Yet by using the status classification in determining duty, the courts prevent recovery by all members of the class. It is submitted that these different factual situations can best be accounted for under the ordinary principles of negligence. The question should be whether an ordinary, reasonable, and prudent man under the same or similar circumstances standing as a landowner could foresee a risk of harm to the particular trespasser or licensee. The use of the status distinction as the decisive issue in the law prohibits the jury's consideration of certain important factors which would allow a more flexible and reasonable result. These factors include the magnitude of the risk, the nature of the premises, the activities conducted on the premises, the type of defect within the premises, the ease of correcting or warning of the danger, and the knowledge of the danger by the occupier or visitor.[91]

Advocates of the status distinctions argue that the distinctions between trespassers, licensees, and invitees provide a workable and reasonable approach to the problem of liability. The dissenting opinion of Justice Burke in *Rowland v. Christian*[92] argued that the distinctions provide "the degree of stability and predictability so highly prized in the law."[93] The judicial emphasis on predictability has caused one writer to state that ". . . when overemphasized, [it] is

---

[87] PROSSER § 32, at 153.

[88] Comment, *Loss of the Land Occupier's Preferred Position*, at 447.

[89] RESTATEMENT § 330.

[90] Comment, *Loss of the Land Occupier's Preferred Position*, at 457.

[91] Comment, *The Outmoded Distinction Between Licensees and Invitees*, 22 MO. L. REV. 186, 199 (1957).

[92] 69 Cal. 2d 108, 443 P.2d 561, 70 Cal. Rptr. 97 (1968).

[93] *Id.*, 443 P.2d at 569, 70 Cal. Rptr. at 105.

abhorrent to our system of case by case analysis of legal problems."[94] If the reasoning of Justice Burke is followed, the predictability becomes that of who wins the lawsuit rather than that of a fair result.

The advocates of these distinctions also argue that the landowner will be subjected to unlimited liability if these distinctions are abolished. The dissent in *Rowland* states that the landowners may be subjected to "potentially unlimited liability despite the purpose and circumstances motivating the plaintiff in entering the premises of another. . . ."[95] The fallacy of this type of reasoning is that other members of the community have been held liable for injuries by plaintiff-oriented juries; yet their liability has not been limited under the law of negligence. Why should the landowner be an exception? In fact, the landowner is in a better financial position to purchase liability insurance than are other members of the community. For instance, a person who rents an apartment or house, lives on a fixed income, and owns nothing but an automobile is subject to "unlimited" liability when he is involved in a traffic accident that results in injury to the occupants of the automobiles. However, such a person can protect himself by subscribing to as much liability insurance as he can afford. The landowner can also avail himself of an adequate amount of insurance to protect himself if a jury should find that he has breached the duty of ordinary care which he owed to a visitor on his premises.

VIII. Conclusion

This comment has attempted to present a historical synopsis of the development of the trespasser, licensee, and invitee distinctions and a concise statement of the current law regarding these status distinctions. Emphasis has been placed upon Mississippi law, but these decisions are similar to those of most jurisdictions which still use these status classifications. Mississippi has, however, remained very close to the common law idea and has not deviated from a strict adherence to these distinctions. The decision in *Astleford v. Milner Enterprises, Inc.*,[96] indicates the Mississippi court's attitude.

It is the belief of this writer that there are compelling reasons which indicate a need for the abolition of the trespasser, licensee, invitee distinctions. The occupier or possessor of the premises owes a duty of reasonable care to the foreseeable visitor to his premises. Any other standard is abhorrent to the values of present-day society.

John Howard Shows

[94] Comment, *Loss of the Land Occupier's Preferred Position*, at 456.
[95] 69 Cal. 2d 108, 443 P.2d at 569, 70 Cal. Rptr. at 105.
[96] 233 So. 2d 524 (Miss. 1970).

DUE PROCESS OF LAW IN MISSISSIPPI COURTS: IMPLICATIONS OF ERRONEOUS JURISDICTION UNDER § 147 OF THE CONSTITUTION OF 1890

I. Introduction

Mississippi has, of course, a court system which divides the courts at the trial level into separate courts of law and equity.[1] The result is that the universal problem of subject-matter jurisdiction and the procedural rights and substantive remedies which arise because of the label which we attach to a cause of action is doubly complicated. Indeed, the problem would not be avoided by a unitary system of trial courts,[2] but it would be much simplified if the trial judge would have at his command the full range of legal and equitable procedural guarantees and extraordinary remedies in one trial forum. However, this is not the case in Mississippi, so practitioners here are faced with the problem of jurisdiction unnaturally but necessarily divided between the law and equity trial courts.

The framers of the Mississippi Constitution sought to settle the problem by the adoption of § 147 of the Constitution of 1890.[3] In so doing, they created a makeshift system of jurisdictional distribution that has created as many problems as it has solved. It is not doubted that § 147 has ameliorated the abuse of the forms of pleading for which our nineteenth century predecessors were notorious; but in so doing, it has made great and unjustified inroads into the concept of procedural due process of law and has led to abuses of the jurisdiction of the trial forums. A reconciliation of § 147 with the concept of due process, the convenient and efficient disposition of civil and equitable causes of action, uniformity of treatment of similar causes of action, and the attainment of essential fairness in the adjudicatory process is the subject of this article.

The constitutional scheme of trial courts in Mississippi is essentially irrational: separate jurisdictions of the law and equity courts

---

[1] Miss. Const. art. 6, §§ 157, 162.

[2] Moore v. General Motors Acceptance Corp., 155 Miss. 818, 125 So. 411 (1930).

[3] No judgment or decree in any chancery or circuit court rendered in a civil cause shall be reversed or annulled on the ground of want of jurisdiction to render said judgment or decree, from any error or mistake as to whether the cause in which it was rendered was of equity or common-law jurisdiction; but if the Supreme Court shall find error in the proceedings other than as to jurisdiction, and it shall be necessary to remand the case, the Supreme Court may remand it to that court which, in its opinion, can best determine the controversy. Miss. Const. art. 6, § 147.

are unequivocally established by §§ 157 and 162[4] of the Constitution of 1890, while § 147 of the Constitution provides that if a trial judge ignores the mandate of §§ 157 and 162, no error may arise from such action. This creates the singular anomaly of a unified system of jurisdiction in the framework of separate law and equity courts.[5] Essential differences in the treatment of causes of action arise from the forum in which the cause is tried. The result of this difference is that unified jurisdiction does not exist in practice; it is rendered impossible by the real differences in the trial forums. However, the merits of the system aside, it is the system that we do have, and Mississippi judges must try to create the maximum of efficiency and fairness within its framework. The body of case law involving § 147 represents the attempts by four generations of the Mississippi Supreme Court to achieve the desired results. At the outset our suspicion is that the court's success has been mixed.

II. The Evolution of the Present Rule

A. The Cazeneuve *Rule*

An early decision which interpreted § 147 and determined its character of application for the following decades was *Cazeneuve v. Curell*.[6] In this case, the court set its position with regard to § 147 in several particulars by adopting a rather absolutist position for its application. The court said:

> [T]he court below was without jurisdiction, in our opinion.
>
> But the court assumed jurisdiction, and as this is the only error assigned or apparent, we cannot reverse the decree overruling appellant's demurrer to the bill of complaint.[7]

It is significant that the court, in declining to reverse on jurisdictional grounds, couched its refusal in terms of the lack of constitutional *power* to do so, rather than in some policy or precedent.[8] The court, referring to "the virtual obliteration of the lines of demarcation between courts of law and equity,"[9] in this decision rendered soon after the adoption of the "new" constitution gave full deference to the change in the scheme of the judicial system brought about

---

[4] Miss. Const. art. 6, §§ 157, 162.

[5] Cazeneuve v. Curell, 70 Miss. 521, 524, 13 So. 32, 33 (1893).

[6] *Id. See also* Barrett v. Carter, 69 Miss. 593, 13 So. 625 (1891).

[7] Cazeneuve v. Curell, 70 Miss. at 523, 13 So. at 32.

[8] Citing no authority other than § 147, the court said:

> And this court is forbidden to reverse or annul decrees or judgments rendered in the lower courts, even if there was want of jurisdiction, if no other error than want of jurisdiction is to be found. *Id.* at 524, 13 So. at 32-33.

[9] *Id.* at 524, 13 So. at 32-33.

by § 147. In this connection, the problem that is basic to any consideration of § 147, and which has plagued Mississippi practitioners to the present day was first dealt with: reconciling a constitutional system which divides the law and equity functions of the judicial process between two specialized forums while maintaining, by the incidence of § 147, a "blended" or integrated system of jurisdiction.[10]

This problem has never been well disposed of even in the face of a strict and consistent adherence to the *Cazeneuve* rule by the Mississippi Supreme Court. The decisions which followed the *Cazeneuve* case on the question of law versus equity jurisdiction are striking only in their consistency and brevity of treatment of the subject.[11] The court summarily disposed of many varied fact situations under the strict interpretation of the rule during this early period. From the frequency with which cases were brought to the court during this period, it appears that the bar of that day found it difficult to reconcile itself to the constitutional fact that one could not object to clearly erroneous jurisdiction and that there was no appellate review of error on this subject. However, regardless of a continuing onslaught, the court held fast to its strict rule in the face of a variety of objections. The court refused to be persuaded by the following: the existence of a complete and adequate remedy at law,[12] that an action brought in chancery was clearly beyond any doubt proper only at law[13] and was appealed interlocutorily to determine jurisdiction,[14] a statutory lien which was brought in circuit court,[15] and mixing of law and equity matters which were properly separable in order to confer equity jurisdiction on a legal case.[16]

---

[10] We have the singular anomaly of a constitutional scheme of two courts, common law and equity, and yet with power in the inferior judges to effectually blend the jurisdictions, each in his own district. But, remarkable as the results flowing from this anomaly are, we are not to disregard the plain requirements of the fudamental law. *Id.* at 524, 13 So. at 33.

[11] *See, e.g.*, Yazoo Delta Mort. Co. v. Hutson, 140 Miss. 461, 106 So. 5 (1925); Cooley v. Tullas, 115 Miss. 268, 76 So. 263 (1917); Grenada Groc. Co. v. Tatum, 113 Miss. 388, 74 So. 286 (1917); White v. Willis, 111 Miss. 417, 71 So. 737 (1916); Metzger v. Joseph, 111 Miss. 385, 71 So. 645 (1916); Dinsmore v. Harrison, 111 Miss. 313, 71 So. 567 (1916); Town of Woodville v. Jenks, 94 Miss. 210, 48 So. 620 (1909); Mississippi Fire Ass'n v. Stein, 88 Miss. 499, 41 So. 66 (1906); Hancock v. Dodge, 85 Miss. 228, 37 So. 711 (1905); Decell v. Hazlehurst Oil Mill & Fertilizer Co., 83 Miss. 346, 35 So. 761 (1904); Irion v. Cole, 78 Miss. 132, 28 So. 803 (1900); Illinois Cent. R.R. v. Le Blanc, 74 Miss. 650, 21 So. 760 (1897); Day v. Hartman, 74 Miss. 389, 21 So. 302 (1897); Goyer v. Wildberger, 71 Miss. 438, 15 So. 235 (1894).

[12] Hancock v. Dodge, 85 Miss. 228, 37 So. 711 (1905); Decell v. Hazlehurst Oil Mill and Fertilizer Co., 83 Miss. 346, 35 So. 761 (1904).

[13] Town of Woodville v. Jenks, 94 Miss. 210, 48 So. 620 (1909).

[14] *Id.*

[15] Cooley v. Tullas, 115 Miss. 368, 76 So. 263 (1917).

[16] Yazoo Delta Mort. Co. v. Hutson, 140 Miss. 461, 106 So. 5 (1925).

By its own description in the *Cazeneuve* case, the Mississippi Supreme Court was faced with an "anomaly,"[17] and the method of dealing with it that the court chose was not to deal with it at all. The court in these early cases uniformly held that it was powerless to reverse on the basis of subject-matter jurisdiction even where such jurisdiction was harmful to the objecting party.[18] The court never reached the merits of any of these cases except by pure dictum which was apparently written from time to time in an outrage of frustration.[19] The question of when the error of jurisdiction could become so harmful to a party as to constitute "other error"[20] under which the court might reverse was not reached during the early period at all. And, in fact, it remains unanswered to the present. The impression from the cases is, however, that *no* error of jurisdiction would *ever* be reviewable and reversible where it was the sole error.[21]

The first retreat from the strict rule occurred in *Grenada Grocery Company v. Tatum*[22] in which the court stated its approval of the strict rule but reversed and entered judgment for the appellant on the merits without remanding. The grounds for reversal were that the decision of the chancellor was manifestly against the weight of the evidence.[23] This case does not represent a retreat from the *Cazeneuve* rule so much as it represents a judicial decision to reverse and enter a new judgment where the strict application of § 147 results in essential unfairness. It is significant that this opinion was written for the court by Justice Ethridge, who wrote the dissenting opinion in *Talbot & Higgins Lumber Co. v. McLeod Lumber Co.*,[24] which was the first case in which all of the implications of § 147, both procedural and substantive, were before the court. Unfortunately, the majority in this case contented itself with a recitation of the strict rule and an extensive list of authority for the rule, without reaching the essential substance of the controversy.[25]

---

[17] *See* note 10 *supra.*

[18] *See* cases cited note 11 *supra.*

[19] In Grenada Groc. Co. v. Tatum, 113 Miss. at 391, 74 So. at 287, the court stated: "It is inconceivable to the writer upon what theory the bill in this case was filed in the chancery court . . . . However, we are prevented by section 147 . . . from reversing it."

[20] Engelburg v. Tonkel, 140 Miss. 513, 524, 106 So. 447, 448 (1926).

[21] This statement is subject to exceptions which are included in this article, but it remains valid because of the recent citations of § 147 by the supreme court without any exception taken to it. *See, e.g.*, United States Fidelity and Guar. Co. v. State, 354 Miss. 812, 182 So. 2d 919 (1966); Bullock v. Hans, 208 Miss. 41, 43 So. 2d 670 (1949).

[22] 113 Miss. 388, 74 So. 286 (1917).

[23] *Id.* at 391, 74 So. at 287.

[24] 147 Miss. 186, 113 So. 433 (1927).

[25] *Id.* at 188-89, 113 So. at 433.

This is an example of how a rule is engrafted onto the body of the law without rhyme, reason, or consideration of its future consequences and is then cited as justification for itself. The majority stated its lack of power to hear cases of erroneous jurisdiction in line with the earlier decisions.[26] In so doing the court failed entirely to reach the essential question—the denial of substantial remedies and procedural rights which spring directly from the error of jurisdiction. With rare and remarkable illogic, the court said:

> It is true that, where the chancery court assumes jurisdiction of a cause of action cognizable alone in the circuit court, in such a case the absolute right of trial by jury of the issues of fact given in circuit court causes by section 31 of the Constitution is taken away, for our court has held that it rests in the discretion of the chancery court whether a jury shall be granted to try issues of fact. But section 147 is just as much a part of the Constitution and is just as binding on the courts as section 31 of the Constitution. They are to be construed together, and construed together they mean that *the right of trial by jury of issues of fact in civil causes in the circuit court shall remain inviolate, except in such cases of exclusively law cognizance as the chancery courts may erroneously assume jurisdiction of,* where such error of jurisdiction is the only error in the decree. (emphasis added).[27]

The illogic of this statement needs no amplifitory comment, but it is significant to note the basis of the statement, for it is the basis of the court's whole approach to § 147. Under § 31 of the Constitution of 1890,[28] a litigant is given the right of trial by jury in all civil matters which has been defined by our court to mean anything which was considered to be a legal matter at common law.[29] However, in this case the court is saying that a person has a right to trial by jury *in circuit court,* that he does not have such a right *in chancery court,* and that the character of the subject matter, the right of procedural due process of law, or apparently, the denial of substantial rights and remedies will not withstand this arbitrary distinction. It is submitted that this construction of § 147 is unwise and unjust, and it is beyond the specific provisions of § 31 of the Constitution.[30] It has been stated that § 147 has a very salutary purpose—that of preventing the mere form of actions from being grounds for reversal.[31] This purpose of

---

[26] *Id.* at 188, 113 So. at 433.

[27] *Id.* at 191, 113 So. at 434.

[28] MISS. CONST. art. 3, § 31.

[29] Smith's Administrator v. Smith, 2 Miss. (1 How.) 102 (1834). *See also* Yazoo & M.V.R.R. v. Wallace, 90 Miss. 609, 43 So. 469 (1907).

[30] MISS. CONST. art. 3, § 31.

[31] Metzger v. Joseph, 111 Miss. at 387-88, 71 So. at 647; Cazeneuve v. Curell, 70 Miss. at 526, 13 So. at 33.

§ 147 undoubtedly has a great deal of merit, and one less removed from the nineteenth century abuse of forms of action would understandably be highly persuaded by this argument. This article is certainly not an argument for a return to the old emphasis on form, but it is rather to submit that a party should carry all of his rights, both procedural and substantive, and his remedies with him into whatever forum the law requires him to enter. There is nothing explicit or implicit in § 147 that would prevent this application of it.

The dissenting opinion in *Talbot & Higgins Lumber Co. v. McLeod*[32] takes the view expressed. Justice Ethridge in the dissenting opinion said:

> Section 147 of the Constitution did not intend to deny any litigant any right that inhered in any cause of action. It rather intended to accord to every litigant every legal and constitutional right, and it is only where these are accorded in full by the chancery court that this court is required to affirm a judgment where the right result is reached.[33]
>
> It will be seen from a comparison of all these sections [157, 159, 160, 161, 162] with section 147 of the Constitution that the Constitutional Convention did not intend to make the circuit and chancery courts control the general jurisdiction of all matters at the will of anybody.[34]

It is submitted that this is the more enlightened view of § 147. What policy, other than mere convenience (which surely is not powerful enough to command the far-reaching result indicated) serves to prevent this broader construction of § 147? Why should the supreme court circumscribe itself from correcting errors arising from the assumption of jurisdiction? Is not a denial just as harsh in its effect on the litigant if it arises from the abuse of jurisdictional discretion as it does from other abuses? The effect on the plaintiff is exactly the same if he is denied a jury in circuit court in contravention of § 31 of the Constitution or if he is denied a jury by an erroneous and unjustifiable transfer to chancery court. The same argument is valid in reverse as to the denial of chancery remedies by an erroneous transferral to circuit court. The rule that says that the correct result in the wrong forum will not be reversed does not compel the addendum that rights and remedies will rise and fall with the transfer.

Arguments to the contrary were futile in the *Talbot* case, and although some exceptions have been taken to the strict rule, the arguments remain futile in many cases. The *Cazeneuve* rule extends down

[32] 147 Miss. at 192, 113 So. at 434.
[33] *Id.* at 200, 113 So. at 437.
[34] *Id.* at 194, 113 So. at 435.

to the present.[35] This is not to say that inroads have not been made into the evil consequences that flow from § 147. Albeit without a discernible method to the approach, the Mississippi Supreme Court has increasingly taken exception to the strict application of § 147 under the *Cazeneuve* precedent.

B. Exceptions to the Cazeneuve *Rule*

Exceptions to the strict application of § 147 have been grudgingly made. There appears from a reading of a large volume of cases under § 147 a predisposition of the Mississippi Supreme Court toward the chancery court, especially in the earlier cases. This predisposition, in cooperation with the adoption of a rule which defeats the court's review of jurisdictional errors without a consideration of the merits of the specific case[36] has greatly limited the number of exceptions taken to the *Cazeneuve* rule. However, in the face of the "remarkable results"[37] which the court predicted to be the result of § 147 in the *Cazeneuve* case, the court has from time to time taken exception to the rule. As early as 1899, the Mississippi Supreme Court ruled that one lower court could not appropriate the statutorily directed jurisdiction of the other.[38] The court was not willing to leave the lower courts the absolute discretion they have under § 147 in the event of a statutory direction of certain powers to one court. However, the court has not adhered uniformly to this exception.[39] The court has also refused to uphold causes where the finding of the lower court was against the weight of the evidence.[40] The protection afforded by § 147 was not felt to be sufficient to sustain an unfair verdict.

---

[35] *See, e.g.*, Hull v. Townsend, 186 So. 2d 478 (Miss. 1966); United States Fid. & Guar. Co. v. State, 254 Miss. 812, 182 So. 2d 919 (1966); Ready-Mix Concrete & Concrete Prod. Co. v. Perry, 239 Miss. 329, 123 So. 2d 241 (1960); Laurel Racing Co., Inc. v. Jones, 223 Miss. 666, 78 So. 2d 879 (1955); Harrison v. Landrum, 223 Miss. 207, 78 So. 2d 132 (1955); Freeman v. Bailey, 222 Miss. 904, 77 So. 2d 682 (1955); Fortenberry v. Wilkerson, 222 Miss. 70, 75 So. 2d 274 (1954); State Farm Mut. Auto. Ins. Co. v. McKay, 209 Miss. 706, 48 So. 2d 349 (1950); Bullock v. Hans, 208 Miss. 41, 43 So. 2d 670 (1949); Grice v. McCarty-Holman Co., 161 Miss. 827, 137 So. 741 (1931); Carter v. Witherspoon, 156 Miss. 597, 126 So. 388 (1930); Moore v. General Motors Acceptance Corp., 155 Miss. 818, 125 So. 411 (1930); Boyett v. Boyett, 152 Miss. 201, 119 So. 299 (1928).

[36] *See* note 8 *supra*.

[37] *See* note 10 *supra*.

[38] Board of Levee Comm'rs for Yazoo-Mississippi Delta v. Brooks, 76 Miss. 635, 25 So. 358 (1899). "[O]ne of these courts may not usurp the statutory power of the other, and have claimed for such usurpation the curative effect of § 147." *Id.* at 641, 25 So. at 359.

[39] *See, e.g.*, Engelburg v. Tonkel, 140 Miss. 513, 106 So. 447 (1926).

[40] Grenada Grocery Co. v. Tatum, 113 Miss. 388, 74 So. 286 (1917).

A case decided in the depression year of 1933 makes a further and most important exception to the *Cazeneuve* rule, although the viability of this exception is doubtful since the court has frequently ignored it.[41] The case of *Dilworth v. Federal Reserve Bank of St. Louis*[42] would appear to adopt the position of the dissent in *Talbot & Higgins Lumber Co. v. McLeod Lumber Co.*[43] in that the court holds that reversible error may spring from an error of jurisdiction. The court held that § 147 did not intend that the trial courts should retain cases of which they did not have jurisdiction, but merely that the litigants should not be unduly harmed on appeal by such mistakes. The court held specifically that if it were shown on appeal that a party had been denied a substantial right by virtue of the forum of his trial, the supreme court would reverse the lower court and remand to the proper court.[44] It is strongly urged that this is the best construction to be placed on § 147. In limiting the scope of this exception to the usual interpretation of § 147, it is important to keep two facts in mind: (1) the supreme court is here reinforcing its prejudice toward the chancery court—the case involves a request for transfer to that court and not out of it; and, (2) the assignment of error results from a denial of remedies and not from a procedural objection.

Three possible situations calling for reversal under § 147 appear where the subject-matter jurisdiction was erroneous and: (1) error resulted from grounds independent of jurisdiction; (2) error resulted from jurisdiction in the form of substantive rights and remedies that exist by virtue of the forum court, e.g. an equitable right of discovery; and, (3) error resulted from the jurisdiction in the form of procedural guarantees which arise from the nature of the forum court, e.g. the right of trial by jury. A fourth situation could be imagined where the procedural guarantees under situation three above become substantive in that they are determinative of the merits of the case. In any case, the Mississippi Supreme Court's position would appear to be that the first situation above will be reversed and remanded to the proper court, while the second may or may not be (no pattern or rule is discernible for the disposition of these cases), and the third situation will never be reversed.

---

[41] *See* cases cited notes 11 and 35 *supra*.

[42] 170 Miss. 373, 150 So. 821 (1933).

[43] 147 Miss. 186, 113 So. 43 (1927).

[44] It was never intended by section 147 of the constitution for one court to take and retain jurisdiction, and still deny a party his rights under the law. If he has equitable defenses of which he cannot avail himself in the circuit court, and moves to be transferred to the chancery court, the circuit court should transfer the cause, so that the party may have the benefit of his equitable defenses. The legal rights of a party are not to be sacrificed, because a court declines to administer the relief to which he is entitled. Dilworth v. Federal Reserve Bank, 170 Miss. at 389, 150 So. at 825.

Another important exception to the strict rule arises in cases where the forum court is by its inherent nature inappropriate to try the issues in the case. This is at once an extension of the rule of the *Dilworth* case and a grudging allowance of procedural protection. This exception springs from the fact that the practice and procedure of the two lower courts is certainly different, and that from this difference there arise possible abuses of the courts' jurisdictional powers.

Wroten v. Fenn[45] is a case in point. The Mississippi Supreme Court declined to reverse a circuit judge's refusal to transfer a case involving a boundary dispute and damages for timber cut to the chancery court. The court said ". . . it is not a question which the court must raise, for it is not a subject so foreign to equity jurisdiction as to require [the Supreme Court to raise it]."[46] The converse of this statement would be that the supreme court will be required to raise the question of jurisdiction when it is sufficiently "foreign" to the forum court's jurisdiction. It is submitted that the court is saying that it will review the jurisdiction of the lower court when by its nature the lower court is wholly inappropriate to hear the controversy or when the incidence of the erroneous jurisdiction acts to deny to a party legal rights and remedies to which he is entitled. Of course, it is not at all settled under what circumstances the court may or may not apply this rule, or how "inappropriate" or "foreign" to the jurisdiction of the court the subject-matter must be to invoke this exception to § 147.

The suggested rule above was applied in the case of *City of Biloxi v. Creel*[47] in which case the supreme court abandoned its old prohibition against retransfers of cases after they have been once transferred to the other court.[48] The court in this case remanded to the chancery court from which the case had been transferred to the circuit court, although such a finding is contrary to the general rule.[49] The grounds for this ruling were that the supreme court must remand to the court which "can best determine the controversy,"[50] and that the extreme complexity of the subject-matter of the suit required a remand to the chancery court. However, it is significant to note that the supreme court assigned as an independent error the circuit court's ruling on an aspect of the merits of the controversy.[51] The court stopped short of

[45] 203 Miss. 361, 35 So. 2d 534 (1948).

[46] *Id.*

[47] 232 Miss. 284, 98 So. 2d 774 (1957).

[48] *Id.* at 286, 98 So. 2d at 775. *See also* Warner v. Hogin, 148 Miss. 562, 114 So. 347 (1927); V. GRIFFITH, MISSISSIPPI CHANCERY PRACTICE § 517, at 526 (2d ed. 1950).

[49] 232 Miss. at 286, 98 So. 2d at 775.

[50] *Id.* at 287, 98 So. 2d at 776.

[51] *Id.* at 286, 98 So. 2d at 775.

ruling that the acceptance of jurisdiction can of itself be reversible error when such acceptance subjects the appellant to a procedural deficiency or great inconvenience which could *of itself* be determinative that the merits have not been fairly heard. This case nevertheless is a step in the right direction in that it sets aside the old rule that transfers once made must remain final even though such transfers act to the substantial detriment of a party, and it recognizes that an unjust result may arise from the inherent limitations of the forum—both of procedure and of remedies available. This is the kind of reasoning that should be applied to § 147. The rights that attach to a party should not arise from which forum he is in but should be governed by what rights he legally has and what guarantees—procedural or substantive—are necessary to assure justice.

Another exception to the *Cazeneuve* rule was taken when the Mississippi Supreme Court held that it was reversible error for the circuit court to refuse to transfer an equitable case to the chancery court which had been erroneously appealed from the county court.[52] The court speaks of §§ 157 and 162 of the Constitution of 1890 as being "mandatory" in their requirement of transferring cases erroneously brought.[53] It is submitted that the word "mandatory" is an unfortunate usage in view of the general effect of § 147. The basis of the decision is that the circuit court dismissed the case with prejudice and left the complainant no remedy. Since the merits had not been heard, the supreme court held that the refusal to transfer was a reversible error and remanded to the chancery court. The supreme court might easily have assigned the dismissal with prejudice as error and remanded to the chancery court under the usual construction of § 147, but, curiously, they chose to find the constitutional order of transferral "mandatory" and assigned it as the error even though this was a simple assignment of jurisdictional error.

The case of *Fortenberry v. Wilkerson*[54] represents an exception to the strict rule in that it overturns the old precedent[55] that interlocutary appeals may not be heard on the question of subject-matter jurisdiction. This case held that the nature of the cause of action and the adequacy of the remedy demanded a transfer to chancery. The court specifically held that § 147 does not remove the power of the supreme court to reverse an order of transferral.[56] The basis for this finding

[52] Williams Co. v. Federal Credit Co., 198 Miss. 111, 21 So. 2d 582 (1945).

[53] *Id.* at 119, 21 So. 2d at 583.

[54] 222 Miss. 70, 75 So. 2d 274 (1954).

[55] Dunagin v. First Nat'l Bank, 118 Miss. 809, 815, 80 So. 276 (1919); *See also* V. GRIFFITH, MISSISSIPPI CHANCERY PRACTICE §§ 783-84, at 757-61 (2d ed. 1950).

[56] 222 Miss. at 70, 75 So. 2d at 274.

was that the merits of the case had not been disposed of, and, consequently, there was no harm to the policy of § 147.[57]

This holding is diametrically opposite to the older cases.[58] The problems and ill results which arise under § 147 could be greatly limited if the supreme court would widely apply this rule. However, it will be again noted that this case involves a transfer into the chancery court and not out of it, and the basis of the reversal is remedies and not procedural guarantees. Yet it is nonetheless an important reform because the ruling of this case is essential to any further reform of § 147. The supreme court cannot easily decide to implement safeguards in the area of subject-matter jurisdiction and its effect on the law and equity forums until it has enunciated a rule which allows it to look at the merits of each case, and then to reverse and remand to the proper forum when the error of jurisdiction has caused substantial harm. There would be little disruptive effect on the court system if an objection to jurisdiction were allowed to be appealed interlocutorily and then all cases of doubt were left undisturbed.

III. Problems, Inequities, and Procedural Deficiencies Under § 147

It may be seen from the above analysis of the rule of § 147 that many inconsistencies and undesirable results flow from it. It is not at all certain what the current application of § 147 is, since the supreme court has made what are apparent reforms in interpreting it and subsequently abandoned them.[59] From a reading of the cases which have cited § 147, at least five major areas of unsatisfactory legal results flow from the rule:

(1) The promulgation of a uniform rule of law concerning what cases should be brought in which trial court is impossible.

(2) Erroneous jurisdiction can result in the non-availability of remedies to a litigant in the wrong forum.

(3) Causes of action may be adjudicated in a forum which is highly inappropriate to decide them.

(4) The right of trial by jury in civil and quasi-criminal cases may be denied.

---

[57] It will be noted that this case has never been tried in the court to which it was transferred. The effect of said Section 147 has usually arisen where the case has been tried by such court. That would present a different question from that confronting us in this case. *Id.* at 74, 75 So. 2d 276.

[58] *See, e.g.*, Dunagin v. First Nat'l Bank, 118 Miss. 809, 815, 80 So. 276 (1919).

[59] *See* cases cited note 35 *supra*. The more recent cases cited were rendered with a strict interpretation of the rule.

(5) There is no limitation upon the abuse of jurisdictional discretion.

An analysis of the cases which have resulted in the abuse of § 147 will point out the need for a uniform reinterpretation of § 147, and it will shed additional light onto what the rule of § 147 currently is and how it may be changing.

A. A Uniform Rule.

In the early case of *Whitney v. Hanover National Bank*[60] the supreme court used the following contrasted words in the same opinion:

> [The Chancellor's action] fell little short of being a mere farce, saved from it only by the seriousness of the performance, with judicial gravity, in good faith. . . .[61]

> Because of [§ 147], error is not predictable of 'any error or mistake as to whether the cause in which it was rendered was of equity or common law jurisdiction.'[62]

This case is typical of the court's treatment of these cases. The court frequently dismissed them summarily with a citation of § 147, or it expressed its displeasure by dictum, as in *Whitney*, and then disposed of the case under § 147. The effect in either event is to inhibit the development of a case law on the question of jurisdiction.[63]

The court has not infrequently ruled on the question of jurisdiction by dictum and then decided the appeal by a bare citation of § 147. This is especially true where the appeal comes on a demurrer to the jurisdiction of the court before the merits of the question have been settled. In *Ringold v. Goyer Co.*,[64] the court advised the chancellor upon the disposition of the case and then declined to rule on it, invoking § 147. This procedure may constitute an informal method of getting appellate review of the question of jurisdiction without violating the mandate of § 147.

This aspect of the rule of § 147 is, in a sense, the heart of the problem of its application. The fact that no uniform rules of law/equity jurisdiction may be promulgated by the court is one of the major causes of the other problem areas. In beginning a reform of § 147, the first change upon which others may rest is to allow a judicial review of all errors of jurisdiction and to allow a reversal of those errors of

---

[60] 71 Miss. 1009, 15 So. 33 (1894). *See also* Irion v. Cole, 78 Miss. 132, 28 So. 803 (1900).

[61] 71 Miss. at 1019, 15 So. at 36.

[62] *Id.* at 1021, 15 So. at 37.

[63] Cazeneuve v. Curell, 70 Miss. at 526, 13 So. at 83.

[64] 164 Miss. 261, 144 So. 706 (1930).

jurisdictional assumption which in turn result in errors of procedural deficiency or remedies being unavailable.

B. Remedies

In the case of *Dilworth v. Federal Reserve Bank*,[65] the court reversed the assumption of erroneous jurisdiction, and the consideration that precipitated this apparently inconsistent action was the unavailability of equitable defenses to which the defendant was entitled and which he was denied by his trial in the circuit court. This is an example of differences between the law and equity forums which affect a litigant because of his mere presence in the particular forum. The thesis submitted is that one has a *right* to an equitable defense, or he has *not*, and which forum he is in should not change this fact. It would not be an error for the circuit court to correctly dispose of the *Dilworth* case, but it is a substantial error for the court to deny the defendant a right to which he is entitled, even if it is a procedural right peculiar to the other forum. This is especially true when the procedural defense is determinative of the merits of the case. It is a simple matter for the supreme court to state that it lacks the power to reverse jurisdictional error under § 147, but none will doubt that the court may reverse for the failure to afford equitable defenses or civil procedural rights. When these denials result from an error of jurisdiction, they should nevertheless be reversed.

In *Reed v. Charping*[66] the court followed the *Dilworth* exception. The court stated that it was "not unmindful" of the rule of § 147 and then reversed an order transferring the cause to circuit court because the legal remedies in the circuit court were insufficient (complainant was seeking an injunction).[67] This seems to be clearly a reversal of a jurisdictional error because the consequences of the jurisdiction were themselves error. In the recent case of *Roberts v. Spence*[68] the court upheld the rule above in reverse: it ruled that specific performance was an inappropriate remedy and remanded to the circuit court although the appeal was from the chancery court.

The above appears to enunciate a rule that errors which *arise from* jurisdiction but which stand alone as independent error will bring a reversal, but the rule is neither clear nor consistently followed.

---

[65] 170 Miss. 373, 150 So. 821 (1933).
[66] 201 Miss. 477, 29 So. 2d 271 (1947).
[67] *Id.* at 486, 29 So. 2d at 273.
[68] 209 So. 2d 623 (Miss. 1968).

C. *Forum non Conveniens*

The chancery and circuit courts of Mississippi are essentially different in their procedure and in their remedy approach to conflict adjustment. It follows as a corollary of the above statement that real and immediate effects upon the litigant will be caused by this difference. Each forum will lend itself more or less to particular causes of action. Under § 147 the decision as to forum can be made at the election of the plaintiff with the consent of the trial judge, and the abuse of the jurisdiction may not be challenged. The Mississippi Supreme Court has, however, mitigated the effect of this rule when the forum is found to be sufficiently inappropriate to the particular cause of action.

In *Carbolineum Wood Preserving Co. v. Meyer*[69] the court set forth the rule that a litigant has the right to the trial court which is most "ample and efficient"[70] to hear his cause of action. In this case the plaintiff had brought an action in both of the trial courts on the same set of facts. The defendant made a plea of abatement setting up the legal action as error and affirming the jurisdiction of chancery. The court said:

> [T]he allegations of the plea do not allege such a state of facts as would give the chancery court jurisdiction of the case. It is true that under section 147 of the state constitution, if the chancery court had assumed jurisdiction and had made a decree in the case, it would not have been reversed merely because the cause of action was not of equitable jurisdiction, but the chancellor, of his own motion, could have dismissed the suit, and the plaintiff would have been without remedy . . . . [T]he failure of the pleader to allege that the remedy in the suit pending in the chancery court was as ample and efficient as the suit in the circuit court rendered the plea ill.[71]

It will be noted that the result in this case is impossible under the usual construction of § 147. Here the court could review the jurisdiction and guarantee the most "ample and efficient" trial forum because the plaintiff-complainant proceeded in both trial forums. It is submitted that the supreme court should pursue this rule and assign as error the lack of the trial court's being "ample and efficient" and remand to the proper forum. The effect would be to get a review of jurisdiction *only in those cases where it resulted in substantial harm to a litigant.*

In *Fortenberry v. Wilkerson*[72] the court reversed a case appealed

---

[69] 76 Miss. 586, 25 So. 297 (1898).

[70] *Id.* at 589, 25 So. 297.

[71] *Id.* at 589, 25 So. at 298.

[72] 222 Miss. 70, 75 So. 2d 274 (1954).

from a demurrer to an order of transferral. The court first held that the nature of the suit and the adequacy of the trial forum should bring the suit into the chancery court. The court then reversed the order of transferral, saying:

> It will be noted that this case has never been tried in the court to which it was transferred. The effect of said Section 147 has usually arisen where the case has been tried by such court. That would present a different question from that confronting us in this case.[73]

The court in this case was (1) hearing an appeal on a demurrer, (2) assuming the power to rule on the merits of jurisdiction, and (3) reversing the jurisdictional decision of the chancellor. The basis of the decision was the suitability of the trial forum to hear the case.

The court overturned a jurisdictional decision because of the convenience of the forum in *City of Biloxi v. Creel.*[74] The court construed § 147 as demanding a remand to the forum which "can best determine the controversy."[75] It then held that the extreme complexity of the subject matter of the suit required a remand to chancery court. This was a reversal of a final disposition of a case which had been transferred to circuit court. The supreme court found an independent error in the trial court's decision on the merits, but the main thrust of the opinion is the procedural inadequacy of the forum, and it appears to be the actual if not the stated ground for reversal.

D. Trial by Jury

It is generally agreed among practitioners of law in the English common law tradition that the procedure by which legal results are reached is an important aspect of guaranteeing the justice of the system. In our adversary system, we have set up a contest of facts and law and have carefully drawn rules of evidence and procedure to guarantee a fair result. It is submitted that the jury, for better or for worse, is the cornerstone of our system of procedure. The political history of our nation is recorded in a constant broadening and refining of the concept of due process of law. Therefore, we must look at § 147 in the light of modern developments in the constitutional guarantee of procedural due process of law. As previously stated, § 147 is a reform provision in that it was intended to end the old emphasis on form and forum. The unintended result has been inroads into the rights of litigants, especially in the procedural area.

---

[73] *Id.* at 74, 75 So. 2d at 276.

[74] 232 Miss. 284, 98 So. 2d 774 (1957).

[75] *Id.* at 289, 98 So. 2d at 776.

Mississippi has from its beginning recognized a right of trial by jury similar to that which existed at common law. In 1834, the supreme court said:

> The right of trial by jury, as it exists here, is derived from the common law, and it is so highly valuable to the citizen, so essential to liberty, that it is secured as a constitutional right, and must, in a government like ours, be understood to extend at least as far as it did at the common law, and if alterations are made, policy would dictate an extension rather than a restriction of a privilege invaluable in itself, and so highly prized by the citizen.[76]

It was established in Mississippi, along with the common law right to trial by jury, that a chancellor could deny a jury trial.[77] When the Constitution of 1890 was adopted, the question of whether § 147 could operate to deny the right of trial by jury soon arose.[78] A statute provided that the chancery court had jurisdiction of all cases of fraudulent transfers of property, and the chancery court took the case upon that ground and adjudicated the validity of a debt between the parties. The court held that the constitutional guarantee of a jury trial was not denied because § 147 operated to make this an equity question. However, the effect was to deny a jury trial, but the court did not answer this issue.

In the case of *Ringold v. Goyer Co.*,[79] the court spoke to the question of the denial of a right to trial by jury, but under the mandate of § 147 it found no right to trial by jury in law cases brought in chancery. It merely advised the chancellor on the matter and refused to reverse with a citation of § 147.[80]

A jury has been uniformly denied the accused in Mississippi in what may be called quasi-criminal cases—those in which a civil penalty is used as a sanction against criminal conduct. The supreme court from the first ruled that the chancery court could try without a jury cases involving a statutory penalty for the sale of liquor.[81] This rule has

---

[76] Smith's Administrator v. Smith, 2 Miss. (1 How.) 102, 105 (1934). *See also* Byrd v. State, 2 Miss. (1 How.) 163 (1835).

[77] Carradine v. Carradine, 58 Miss. 386 (1880). *See also* Boyd v. Applewhite, 121 Miss. 879, 84 So. 16 (1920).

[78] Scott v. Francis Vandergrift Shoe Co., 10 So. 455 (Miss. 1891).

[79] 164 Miss. 261, 144 So. 706 (1932).

[80] In trial of suits at law upon disputed issues of fact, jury trial is an important right, and a party entitled to it should not be deprived of it until the chancery court is satisfied that some equitable ground exists warranting it in drawing the same to itself for a full decision of all rights involved. *Id.* at 271-72, 144 So. at 709.

[81] State v. Marshall, 100 Miss. 626, 56 So. 792 (1911).

been recently restated without any comment upon its constitutionality.[82] The effect of this construction of § 147 is that a statute may name a criminal fine a "tax" or "penalty" and confer jurisdiction for its enforcement upon the chancery court. Then the judge may, at will, deny the defendant a jury. This process was used in the case of *Freeman v. Bailey*[83] to deny the defendant a jury in county court. This case was brought in county court, and a jury was denied to the defendant by labeling the action equity. It is submitted that whatever basis there may be for denying the right to trial by jury in chancery court does not exist in this case because the forum is unified. It is not unreasonable to demand that a judge of a unified court provide the litigant with a jury when he has a right to one. The mere labeling of the cause of action should not change the result.

The Mississippi Supreme Court shed light on its treatment of § 147 in several particulars in *Moore v. General Motors Acceptance Corp.*, [84] which was the basis of the above cited case. In ruling that the § 147 jurisdictional rule applied equally to the county court, the court pointed out that a unified court system would not end the law/equity jurisdictional problem. It is significant that the decision was reasoned alternatively: (1) that the appeal to the circuit court and decision by that court brought it within § 147 even though the jurisdictional division anticipated by § 147 did not exist in county court; and, (2) that this finding was necessary to preserve the uniformity of the rule between the county court and the chancery/circuit courts.

In 1954, the supreme court said:

> The right to a trial by an impartial jury is guaranteed in all criminal prosecutions by the Sixth Amendment to the Federal Constitution . . . . It is the foundation of our form of government and wholly foreign to totalitarianism.[85]

This illustrates the Mississippi court's reliance upon the federal concept of due process in its development of the same concept. The court had previously made the same sort of adoption of the federal rule in a civil suit, saying: "[denial of jury trial] would probably be void as in conflict with the Constitution of the United States, which forbids the deprivation of property 'without due process of law.' "[86]

The best discussion of the right to trial by jury under § 147 in the case law is the dissenting opinion in *Talbot & Higgins Lumber Co.*

[82] Bishop v. Bailey, 209 Miss. 892, 48 So. 2d 588 (1950).
[83] 222 Miss. 904, 77 So. 2d 682 (1955).
[84] 155 Miss. 818, 125 So. 411 (1930).
[85] Adams v. State, 220 Miss. 812, 815-16, 72 So. 2d 211, 213 (1954).
[86] Yazoo & M.V.R.R. v. Wallace, 90 Miss. at 615, 43 So. at 470-71.

v. McLoed Lumber Co.[87] In that dissent Justice Ethridge enunciated a passionate policy argument that might be entitled "Eulogy to the Fallen Jury":

> From now on, instead of being a captain to command, you have been relegated to the position of mere advisor to the chancellor and your advice may be disregarded and your counsel spurned, and it will be on many occasions. I deeply regret your misfortune and the state's vanishing rights. May God, in His wisdom, cause you to be re-established in your former position of umpireship in the courts where the rights of men are in dispute.[88]

Justice Ethridge was right in 1927, and the trend of cases may vindicate him in the foreseeable future.[89] In contrast to its earlier statements, the Mississippi Supreme Court said in 1948:

> The Sixth Amendment to the Federal Constitution . . . has no application to state action; it is not a limitation of the powers of the states, and it is confined alone to federal action.[90]

There is no reason why the right to essential fairness in trials should be more jealously guarded by the United States Supreme Court than it is by the Mississippi Supreme Court; there is no reason why an institution which is a cornerstone of our democratic system of government—the jury trial—should be less jealously guarded by our court than it is by any other. In addition, the recent rulings of the United States Supreme Court have extended the Federal Constitution's guarantees of due process to the states to the extent that the last quoted statement cannot now be made with any confidence.[91]

E. Abuse of Discretion

It is the general rule in Mississippi that once the chancery court had taken jurisdiction of a matter on one ground of equity, it may dispose of all aspects of the case even if the equitable matter fails utterly of proof.[92] This is a good rule in that it allows all matters that arise in a cause of action to be tried in one forum; in fact, the effect of it is to make the chancery court an integrated law/equity trial court. The limitation is, of course, that the whole concept of due process

---

[87] 147 Miss. at 192, 113 So. at 434.

[88] *Id.* at 210, 113 So. at 441.

[89] *See* section IV *infra.*

[90] Odom v. State, 205 Miss. 572, 583, 37 So. 2d 300, 302 (1948).

[91] *See* section IV *infra.*

[92] It has long been settled in this state, as one of the pre-eminent principles of equity procedure, that the chancery court having taken jurisdiction on any one ground of equity, [will settle all matters legal or equitable, even if the allegations of equity fail of proof]. McClendon v. Mississippi State Highway Comm., 205 Miss. 71, 78, 38 So. 2d 325, 327 (1949).

of law including trial by jury is not guaranteed by the law forum thus created. It will appear that the wide discretion created in this situation is susceptible to abuse.

This type of case frequently arises in Mississippi, and it is not possible to object strenuously in many cases. However, the invariable effect is to deny a litigant the guarantees inherent in the legal form, and it is submitted that an apparently just result will not remove that objection.

When the chancery court takes an action to set aside fraudulent conveyances, it will also take and adjudicate the merits of the debt[93] or damage suit[94] which gave rise to the conveyance. The effect is to deny the defendant the right to a jury determination of his case. This procedure may be abused by lawyers who desire to avoid juries by purposefully alleging some equitable ground and then proceeding with the trial in chancery when the equitable feature has failed of proof or been settled. For instance, the plaintiff might begin foreclosure of a mortgage as a means of trying the merits of a debt in chancery court,[95] or the plaintiff might sue on an equitable writ for the same purpose.[96]

The clearest possible case of the abuse of chancery jurisdiction is presented by *Matthews v. Thompson*.[97] This was a damage suit which arose as a result of an automobile accident which was typical of the hundreds that are, and ought to be, tried in circuit court each year. However, in this case, the cause was pursued in chancery court by the device of the attachment of a mere twenty-three dollars owing to a non-resident defendant. This abuse of the chancery jurisdiction is wholly unjustified, unreasonable, and contrary to the letter of our law and the spirit of our legal system. It represents a gross and unwarranted abuse of discretion by the trial judge in an area where he cannot be reviewed by the supreme court under our present interpretation of § 147. The supreme court found in this case that (1) the chancellor had the right to deny a jury to the defendant, (2) the statutory direction that negligence is a question for the jury does not apply to a case brought in chancery, and (3) the assumption of equity jurisdiction in this case was not error since it was rendered "immaterial" by the incidence of § 147.[98]

---

[93] Scott v. Francis Vandergrift Shoe Co., 10 So. 455 (Miss. 1891).

[94] Allred v. Nesmith, 245 Miss. 376, 149 So. 2d 29 (1960).

[95] Atkinson v. Felder, 78 Miss. 83, 29 So. 767 (1901).

[96] Yazoo Delta Mortgage Co. v. Hutson, 140 Miss. 461, 106 So. 5 (1925).

[97] 231 Miss. 258, 95 So. 2d 438 (1957).

[98] *Id.* at 290, 95 So. 2d at 452.

This case represents the result of an interpretation of § 147 which does not guarantee the litigant in the wrong forum his substantive and procedural rights, and which prevents the supreme court from reviewing this abuse of discretion. It is submitted that the court could have reversed this decision on the basis that (1) the case manifestly presented no meaningful ground of equity jurisdiction, (2) the allegation of equity failed because it was apparently a sham device to confer jurisdiction on the court, (3) the chancellor abused his discretion when he found equitable jurisdiction by virtue of a mere twenty-three dollar attachment, or (4) a case which is preponderently a law case and which turns on the finding of negligence in fact must be afforded the statutory right to a jury determination of the facts. How this case might have been decided, however, is not presently as significant as the bare illustration of the abuse of § 147 and its effect. It also calls to mind Justice Ethridge's lament in the *Talbot & Higgins Lumber Co. v. McLoed Lumber Co.* dissent[99] and strongly recommends his construction of § 147 wherein all procedural and substantive rights accompany the litigant into either forum.[100]

The Mississippi Supreme Court has already promulgated a rule which allows them to review the abuse of chancery jurisdiction in certain cases. In *Whitney v. Hanover National Bank*[101] the court reversed the erroneous assumption, saying:

> [T]he constitution does not apply [to a mere ex parte action], but relates to a civil cause as properly understood, and not all that a chancellor or judge may do.[102]

It may be that the rule suggested by the above is that the court will reverse the abuse of a trial judge's office while it will not reverse the abuse of jurisdictional discretion.

In the case of *Adams v. Stonewall Cotton Mills*,[103] in an apparent inconsistency with the usual interpretation of § 147, the court reversed, saying:

> We decline, in view of the entire want of jurisdiction in the chancery court to deal with this matter, which is all that is before us for judgment, to intimate any opinion whatever as to [the merits of the case].[104]

The basis of this ruling was said to be "every single ground of

---

[99] 147 Miss. at 192, 113 So. at 434.

[100] *Id.*

[101] 71 Miss. 1009, 15 So. 33 (1894).

[102] *Id.* at 1022, 15 So. at 37.

[103] 89 Miss. 865, 43 So. 65 (1907).

[104] *Id.* at 898, 43 So. at 67.

equity jurisdiction averred in the bill is, by the proof, utterly overthrown."[105]

In the more recent case of *Reed v. Charping*[106] the court reversed a mistake of jurisdiction and consequent transfer to the circuit court. The basis of this reversal was that the transfer was made because of a finding of a complete absence of equitable rights, and that the case manifestly presented grounds for equitable relief and could not be tried at law according to right and justice.[107]

The Mississippi Supreme Court has refused to reverse abuse of jurisdiction when it is specified by statute. Where a plaintiff brought an action to recover rents which should have been brought under a statutory distraint procedure in the chancery court, the supreme court upheld the lower court.[108] In the recent case of *Lippian v. Ros*,[109] the court stated that it was error for the circuit judge to transfer an appeal from the election commission to the chancery contrary to explicit direction of statutory law and then refused to reverse on that ground, citing § 147. In the 1968 case of *Minter v. Hart*,[110] the court refused to reverse a case brought in chancery by attachment even though the allegations wholly failed to comply with the statutory requirements for attachment proceedings.

A more persuasive case against trial of legal claims in chancery is presented in the case of non-resident defendants. In *Myers v. Giroir*,[111] the supreme court held that a chancellor could validly render a judgment for damages against a non-resident defendant even though the attachment, which had conferred jurisdiction, had been dismissed from the suit. It is not difficult to imagine that a case such as this will be the test case for the United States Supreme Court to review its application of due process to the states in regard to trial by jury in civil cases.[112] If the defendant in this case were sued in his state of residence, in Mississippi, or in the federal court, he would have a right to trial by jury. By this incidence of § 147, he does not. When Mississippi thus strips a non-resident of his due process procedural guarantees, it would seem that we are in grave danger of drawing the attention of the United States Supreme Court.

---

[105] *Id.* at 896-97, 43 So. at 66.

[106] 201 Miss. 477, 29 So. 2d 271 (1947).

[107] *Id.* at 486, 29 So. 2d at 273.

[108] Engelbury v. Tonkel, 140 Miss. 513, 106 So. 446 (1926).

[109] 253 Miss. 325, 175 So. 2d 138 (1965).

[110] 208 So. 2d 169 (Miss. 1968).

[111] 226 Miss. 335, 84 So. 2d 525 (1956).

[112] *See* Section IV *infra*.

IV. The Mandate of the Federal Constitution: The Evolving Concept of Due Process

It is not within the compass of this paper to make an in-depth analysis of the United States Supreme Court's position on the application of the Bill of Rights to the states. There has been a great volume of writing on this fast-changing area of the law, and it will be sufficient to note some recent developments of the law in this area, and then speculate upon the effect of the trend of the law upon our present interpretation of § 147. It will appear that the Mississippi Supreme Court's confident statement in 1948 that the Bill of Rights does not apply to state action[113] is no longer valid, and that the trend of cases renders it less valid as time passes.

The case of *Duncan v. Louisiana*[114] appears to explain exhaustively the Supreme Court's position on the incorporation of the first eight amendments into the concept of due process of law and on its application to the states. The opinion contains a majority opinion by Mr. Justice White, separate concurrences by Mr. Justice Black and Mr. Justice Fortas, and a dissent by Mr. Justice Harlan. Among these four separate comments on the question, all of the major judicial views of the subject are discussed. It should be noted from the beginning that the effect of this case is to require a jury trial in criminal prosecutions where the possible punishment exceeds six months in jail, which is suggested, but not held by the court to be the line of demarcation of "petty offenses."[115] This finding is new and somewhat revolutionary because the great body of case law on the subject is contrary to this finding.[116]

For the present purposes of predicting what this case may foreshadow for the court's later treatment of the right to jury trial in *civil* cases, the method by which the case law was abandoned and this extension of the due process clause was arrived at is far more significant than the simple mandate of the case rule.

It has been stated as the general rule that the first eight amendments apply only to the federal government and not to the states.[117] However, the United States Supreme Court has, since the beginning of this century, increasingly applied the eight amendments to the states by incorporating them into the due process clause of the fourteenth

[113] Odum v. State, 205 Miss. 572, 583, 37 So. 2d 300, 302 (1948).

[114] 391 U.S. 145 (1968).

[115] *Id.* at 159-62.

[116] *See, e.g.*, Fay v. New York, 332 U.S. 261 (1947); Pearson v. Yewdall, 95 U.S. 294 (1877). *See also* Annot., 16 Am. Jur. 2d *Constitutional Law* § 334 (1964).

[117] 16 Am. Jur. 2d *Constitutional Law* § 334 (1964).

amendment.[118] At present, virtually all of the guarantees of the Bill of Rights have been incorporated into the due process clause and thus applied to the states.[119]

There are three major approaches by which the Supreme Court decides whether a Bill of Rights guarantee applies to the states. These are (1) selective incorporation, (2) total incorporation, and (3) non-incorporation. The first of these was the prevailing view in the *Duncan* case, although it must be noted that with three justices preferring concurring opinions, and two dissenting, it does not prevail with a majority of the Court. The crux of this view is that the term "due process of law" which is made obligatory upon state action by the fourteenth amendment, encompasses "fundamental principles of liberty and justice which lie at the base of all our civil and political institutions"[120] or those which are "basic in our system of jurisprudence."[121] To determine which of the Bill of Rights guarantees apply to a state prerogative that is before the court, the justices will ask whether such guarantees are "fundamental" or "basic" within the above stated test. By this process, the Court has selectively incorporated almost all of the first eight amendments into the fourteenth.

The second two approaches to this problem appear to differ little from the one outlined. Mr. Justice Black and Mr. Justice Douglas wholly embrace the above test as to whether a state action is constitutional as in compliance with due process, but go on to conclude that *all* guarantees of the eight amendments are included within the term since they are historically and by definition "basic" or "fundamental" within the test.[122] Mr. Justice Harlan with the concurrence of Mr. Justice Stewart agrees with the test of incorporation, but he dissents from the whole process of incorporation. His view is that due process of law should be defined by the Court in accordance with the totality of the concept of American government and that it should be an evolving concept not tied to fast rules, i.e. the eight amendments.[123] It is submitted that the real disagreement of Mr. Justice Harlan with the

[118] *Id.*

[119] Mr. Justice White cites authority for the incorporation into the due process clause of: (1) the right to compensation for property taken by the state, (2) the rights of free speech, press and religion, (3) the fourth amendment prohibition of unreasonable search and seizure, (4) the fifth amendment guarantee against compelled self-incrimination, (5) the sixth amendment rights to counsel, to a speedy and public trial, to confrontation of opposing witnesses, and to compulsory process for obtaining witnesses. Duncan v. Louisiana, 391 U.S. 148 (1968).

[120] *Id.* at 148.

[121] *Id.* at 149.

[122] *Id.* at 149.

[123] *Id.* at 176-77.

majority it not with their thought processes, but with their inclusion of procedural guarantees into the concept of due process. He is dissenting from the idea of a detailed and specific federal rule for procedural law.

For our present purposes it is enough to note that the synthesis of the above judicial decision process is the constant broadening of the concept of due process of law and the constant increase in the number and types of procedural guarantees that are required of state courts. The present state of the law on this subject could easily be arrived at by either of the three methods discussed. Therefore, for the limited purpose of forecasting the future treatment of the right to jury trial in civil cases by the United States Supreme Court, it is important to note the trend of the case law and the policy of the Court in this area. As noted above, the Court has already incorporated most of the first eight amendments into the fourteenth.[124] Extensive reading reveals no instance wherein the Court has retrenched in further broadening the impact of the due process clause. Therefore, even though the great weight of authority is to the contrary,[125] one may reasonably speculate that sooner or later the right to trial by jury in civil cases under the seventh amendment may be applied to the states.

In June of 1969 the United States Supreme Court spoke again on the question of the applicability of the eight amendments to the states, and as would be expected, the Court again rendered them more inclusively and specifically applicable to the states. In the case of *Benton v. Maryland*,[126] the Court used the following language:

> Recently . . . this Court has 'increasingly looked to the specific guarantees of the [Bill of Rights] to determine whether a state criminal trial was conducted with due process of law . . . ' In an increasing number of cases, the Court 'has rejected the notion that the Fourteenth Amendment applies to the States only a watered-down, subjective version of the individual guarantee of the Bill of Rights . . . . '[127]

> Once it is decided that a particular Bill of Rights guarantee is 'fundamental to the American scheme of justice, . . . ' the same constitutional standards apply against both the State and Federal Governments.[128]

It should be seen from these quoted passages that the Court is approaching total incorporation of the eight amendments by the back

[124] *Id.* at 148.

[125] *See* cases cited note 116 *supra*.

[126] 395 U.S. 784 (1969).

[127] *Id.* at 794.

[128] *Id.* at 795.

door, since the first quoted passage reveals that the Court increasingly goes to the specific provisions of the amendments to determine what guarantees are "fundamental" within the *Duncan v. Louisiana* test,[129] and the second quoted passage reveals that once the court has incorporated one of the eight amendments into the fourteenth, it does so "totally" or just as if it were being applied to federal courts.

The cumulative effect of the recent developments in this area prompted Justice Rodgers in the case of *Canning v. State*[130] to declare for the Mississippi Supreme Court:

> There seems to be no question now that the United States Supreme Court has firmly 'absorbed' the first eight Amendments of the Constitution of the United States into the 'due process' clause of the Fourteenth Amendment, and has thus made them applicable to the states.[131]

If indeed the "eight amendments" are absorbed as Justice Rodgers states, then the seventh amendment right to a jury trial in civil cases is absorbed also, and the chancery courts of Mississippi may no longer deny to litigants a jury trial in legal cases erroneously brought in that court. The effect of this would be to render the whole scheme of jurisdiction created by § 147 of the Mississippi Constitution void in each and every case where it resulted in denying a jury trial to a litigant who would have the right to one were the case brought in federal courts.

It is not urged that the state of the law is presently as indicated, but it is submitted that it is no longer fanciful or unrealistic to predict that jury trial in civil cases may be brought within the fourteenth amendment and applied to the states. What Mississippi judges must carefully consider is that the United States Supreme Court has come very far in enlarging its application of the Bill of Rights to the states, and it must come but very little further to invalidate Mississippi's whole scheme of jurisdictional division.

V. Conclusion

There is included herein an examination of the application of § 147 of the Constitution of 1890 to problems of subject-matter jurisdiction in Mississippi, and a critique of the problems that arise from § 147 as revealed in numerous cases. Criticism of the rule of § 147 can best be made by the example of the cases. The need for reform is apparent, and the method is simple. The Mississippi Supreme Court

---

[129] Duncan v. Louisiana, 391 U.S. at 148.

[130] 226 So. 2d 747 (Miss. 1969).

[131] Id. at 752. Citing both the *Duncan* opinion and *Benton v. Maryland* as authority for the proposition.

should rule that a trial court must adopt procedure, secure rights of litigants, and dispense remedies consistent with the subject-matter of the cause it is trying. Failure should be assigned as error, and the cause should be remanded to the trial court which, according to its nature and limitations, can best determine the controversy. This procedure is not inconsistent with the letter or spirit of § 147, and it has the advantage of being well within the recent rulings of the United States Supreme Court on the aspect of jury trial.

As was said in beginning, the problem of subject-matter jurisdiction in Mississippi ultimately rests upon the division of our trial courts between law and equity forums. It will never be possible to have a well-integrated system of jurisdiction in cases of questionable subject-matter, or in cases of mixed law and equity so long as the divided court system persists. Given the present apparent vitality of the system, our courts should act to do that which they can do: guarantee to every litigant the rights and remedies consistent with the nature of his cause of action in every court in this state.

Michael S. Allred

STUDENT NOTES

Evidence—The Admissibility of Computer Print-Outs of Business Records

I. Introduction

The law always seeks the best evidence and adjusts its rules to accommodate itself to the advancement of the age it serves.[1]

The preceding words were taken from the opinion of Presiding Justice Gillespie in the case of *King v. State ex rel. Murdock Acceptance Corp.*,[2] where the Supreme Court of Mississippi was faced for the first time with the question of the admissibility into evidence of business records printed out by electronic computing equipment. This problem had been inevitable for some time with the ever increasing utilization of the computer in the business world. Computers today are being employed for everything from handling customers' orders to sorting and processing checks in banking institutions. The individual member of society is becoming keenly aware that the computer is playing a significant role in his business affairs. As disputes arise the courts will have to deal with the new evidentiary problems raised by an automated business society, and the lawyer must be well-informed to cope with these issues.

The purpose of this note is to show the problems encountered by courts in allowing computer print-outs into evidence. Particular attention is given to the *King* case and to the foundation which must be laid before such material is admissible.

II. Historical Development of Business Entries Exception

Traditionally, the business entries exception to the hearsay rule has included the requirements that the entries must be either the original or the first permanent record and not merely copies, that the makers of the record be unavailable, that the entries be based upon the first-hand observation of someone in a position to know the facts recorded, and that the record must have been made shortly after the transaction.[3]

It was apparent that as systems for keeping business records became more complex, the above requirements would become more difficult to meet. Courts were unable to adequately reshape the common law. As stated by Wigmore: "[T]he judicial applications of the principle have been limited by the historical boundaries of the rules. The gross result

[1] King v. State *ex rel.* Murdock Acceptance Corp., 222 So. 2d 393, 397 (Miss. 1969).

[2] *Id.*

[3] *See* C. McCormick, Handbook of the Law of Evidence §§ 281-88, at 596-606 (1954).

is a mass of technicalities which serve no useful purpose in getting at the truth."[4]

In an attempt to meet these problems and to simplify the rigid common law rules, the Commonwealth Fund of New York in 1927 appointed a committee which proposed a Model Act which in essence would admit any writing or record into evidence that was found to have been made in the regular course of any business.[5] This act was enacted in New York in 1928[6] and a substantially similar act was passed by Congress in 1936.[7]

Later in 1936 the Commissioners on Uniform State Laws proposed a similar statute, known as the Uniform Business Records as Evidence Act. This statute sought to improve on the Commonwealth Fund Act by (1) clarification, and (2) a requirement that some appropriate person testify on the stand as to the record.[8] The Uniform Act reads as follows:

> § 1. Definition.—The term 'business' shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.
>
> § 2. Business Records.—A record of an act, condition or event, shall, in so far as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.[9]

By 1967 a total of twenty-eight states had enacted the Uniform Business Records as Evidence Act.[10]

Rule 63 (13), (14) of the Uniform Rules of Evidence[11] is a somewhat simplified version of the Uniform Act.

III. The First Cases Dealing With Computer Print-Outs

The Uniform Act came into play in the first two reported cases in the United States where courts passed directly on the admissibility of computer print-outs of business records. These cases were *Transport*

---

[4] 5 J. WIGMORE, EVIDENCE § 1520, at 361 (3d. ed. 1940).

[5] *Id.* at 362.

[6] N.Y. CIVIL PRACTICE LAW AND RULES § 4518 (McKinney 1963), *formerly*, § 374a, ch. 532 (1928). *See generally* Comment, *Computer Print-Outs of Business Records and Their Admissibility in New York*, 31 ALBANY L. REV. 61 (1967).

[7] 28 U.S.C. § 1732 (1964), *formerly* ch. 640, § 1, 49 Stat. 1561 (1936).

[8] 5 J. WIGMORE, *supra* note 4, at 362-63.

[9] UNIFORM BUSINESS RECORDS AS EVIDENCE ACT, 9A UNIFORM LAWS ANN. 506 (1965).

[10] 9A UNIFORM LAWS ANN. 504 (1965).

[11] *Id.* at 637.

Indemnity Co. v. Seib[12] in Nebraska and *Merrick v. United States Rubber Co.*[13] in Arizona.

In *Seib*[14] the liability insurer of the defendant trucker brought an action to recover premiums under an insurance contract. To establish the amount due, the plaintiff offered in evidence records prepared and printed by its electronic computing equipment. Plaintiff's director of accounting testified that the machine did the same work that in the past had been done by normal bookkeeping. A program containing the type of policy and all information concerning the insured was fed into the computer and stored on tape. The machine could retrieve the information at any time and recapitulate the premiums paid and due according to the program. Such record was sent to the insured quarterly.

Nebraska had adopted the Uniform Business Records as Evidence Act.[15] The Supreme Court of Nebraska, in admitting the print-outs from the taped record, held that a sufficient foundation had been laid and that it was not necessary to produce the witnesses who originally supplied the information that was recorded on the tape. The court said:

> In construing this statute, our court said in *Higgins v. Loup River Public Power Dist.*, 159 Neb. 549, 68 N.W.2d 170, as follows: 'The purpose of the act is to permit admissions of *systematically entered records* without the necessity of *identifying, locating, and producing as witnesses the individuals who made entries in the records in the regular course of the business* rather than to make a fundamental change in the established principles of the shop-book exception to the hearsay rule.'[16] (emphasis by the court).

The court found no merit in the defendant's contention that the print-outs were prepared especially for use in that trial and were therefore inadmissible. The court stated that the print-outs were retrieved from the taped record for the purposes of the trial, but that the taped record was made "in the usual course of business and for the purpose of the business alone."[17] The court further commented:

> The statute was intended to bring the realities of business and professional practice into the courtroom and the statute should not be interpreted narrowly to destroy its obvious usefulness.[18]

In *Merrick*[19] the Uniform Act[20] was also applicable. The plaintiff sued on an open account which was maintained on electronic account-

[12] 178 Neb. 253, 132 N.W.2d 871 (1965); *see* Annot., 11 A.L.R.3d 1377 (1967).

[13] 7 Ariz. App. 433, 440 P.2d 314 (1968).

[14] Transport Indem. Co. v. Seib, 178 Neb. 253, 132 N.W.2d 871 (1965).

[15] NEB. REV. STAT. § 25-12109 (1964).

[16] Transport Indem. Co. v. Seib, 178 Neb. at 258, 132 N.W.2d at 874.

[17] *Id.* at 260, 132 N.W.2d at 875.

[18] *Id.* at 259, 132 N.W.2d at 875.

[19] Merrick v. United States Rubber Co., 7 Ariz. App. 433, 440 P.2d 314 (1968).

[20] ARIZ. REV. STAT. ANN. § 12-2262(B) (1956).

ing equipment. The court allowed the print-out material in evidence even though the witness from plaintiff's credit department had no personal knowledge of the actual physical operation of the accounting equipment. He was familiar, however, with the particular account and generally familiar with the electronic aspect of the plaintiff's accounting records.

IV. The *King* Case

The court in the *King*[21] case, however, did not have the advantage of such a statute since Mississippi has never adopted the Uniform Business Record as Evidence Act. The common law rules of evidence were applicable.

The case involved a false notarial certificate of acknowledgment to a deed of trust. In order to prove the amount of damages, Murdock attempted to introduce computer print-outs to show the amounts paid on the note. In laying the foundation, Murdock first produced its credit division manager.[22] He testified that the department over which he had supervision provided the accounting department the information from which the computer sheets were made.[23] He stated that he was satisfied that the information on the print-out sheets was the same as the information supplied by his department.[24]

An objection to the admission of the print-outs was made on the ground that the information contained thereon was not prepared under the division manager's supervision or direction, but was prepared by the accounting department.[25] King argued that the witness must be able to personally testify that the information contained on the print-outs is the same, correct information that he supplied.[26] The trial judge, in sustaining the objection, stated:

> The witness says that he cannot verify it except through his accounting department.
>
> . . . .
>
> He can testify to that which is under his control but he cannot testify to something in some other department that is not under his control and supervision.[27]

Later Murdock produced its accounting manager who testified that the electronic computing equipment was recognized as standard equipment and that the entries were made in the regular course of business.[28] In addition he showed his familiarity with the machine accounting procedures and described them. People working directly

[21] King v. State *ex rel* Murdock Acceptance Corp., 222 So. 2d 393 (Miss. 1969).

[22] Record at 96.

[23] *Id.* at 132.

[24] *Id.* at 134.

[25] *Id.* at 132-33.

[26] *Id.* at 133.

[27] *Id.* at 134.

[28] Record at 195; *see also* King v. State *ex rel.* Murdock Acceptance Corp., 222 So. 2d at 396-97.

under his supervision prepared the programs for the computer. Others under his direction punched the information received from branch offices onto a computer card which was verified by another operator and then processed through the machine and automatically punched on magnetic tape. The process was carefully structured to avoid errors. Murdock considered the information recorded on magnetic tape as the customer's permanent record.[29] The trial judge ruled the computer print-outs admissible based on the testimony of the accounting manager.[30]

It was contended that the computer print-outs did not meet the requirements of the shop book rule and were inadmissible as evidence.[31] The shop book rule is an exception to the hearsay rule which, generally stated, allows one to introduce his business records into evidence provided certain requirements are met.[32] These requirements have changed from time to time and differ in various jurisdictions.

In Mississippi the shop book rule has been stated as follows:

> The account books of the party to the litigation are admissible, if they are books of original entry, are regular and continuous, and the entries were made at or near the time of the occurrence of the transaction recorded, provided the entrant had personal knowledge of the matter recorded, and the entries are verified by his oath, or by proof of his handwriting, in case he is dead or inaccessible.[33]

It has been held in Mississippi that the records must have been made in the regular course of business, as a part of a regular series of entries, and made contemporaneously with the transaction.[34] The entry must be in a book of accounts and not a casual or isolated one.[35] If the entrant personally observed the transaction recorded, he must be present and testify, or his absence must be accounted for.[36] The original entry must also be produced.[37]

Two significant arguments were made in the *King* case in contending that the requirements of the shop book rule had not been met. First, it was argued that there was no proof that the computer print-outs were the first permanent and original records kept by Murdock.[38] The first records were made at the branch offices where

[29] Record at 203; *see also* King v. State *ex. rel* Murdock Acceptance Corp., 222 So. 2d at 397.

[30] Record at 204.

[31] King v. State *ex rel.* Murdock Acceptance Corp., 222 So. 2d at 397.

[32] *See generally* J. WIGMORE, EVIDENCE §§ 1517-20, at 347-66 (3d ed. 1940).

[33] T. MCELROY, MISSISSIPPI EVIDENCE § 51, at 228 (1955); *see also* Note, *Business Entries in Mississippi*, 16 MISS. L.J. 266 (1944), for a comprehensive study of the "shop book" rule.

[34] Greene v. Greene, 145 Miss. 87, 110 So. 218 (1926).

[35] W. T. Raleigh Co. v. Rotenberry, 174 Miss. 319, 164 So. 5 (1935).

[36] Illinois Cent. R.R. v. Butterfield Lumber Co., 95 Miss. 357, 49 So. 179 (1909).

[37] Panola County Bank v. Nessen Lumber Co., 117 Miss. 583, 78 So. 516 (1918).

[38] Brief for Appellant at 32.

the customers paid, and it was contended that only these records could be admitted in evidence under the best evidence rule as set forth in *Fatherree v. Griffin*[39] and *Hoye v. Newton Lumber & Manufacturing Co.*[40]

The second argument was that the accounting manager had no personal knowledge of the transaction and the records maintained by the computer were based on memoranda or data furnished by others in the branch offices.[41] None of the parties who made the original entries in the branch offices or those who actually manipulated the machines in the data processing office were offered as witnesses. The appellant argued that the testimony of the accounting manager was inadmissible under the authority of *Smith v. Chicago Portrait Co.*[42] and *Rains v. Thorp Finance Corp.*[43]

In the *Rains* case the court, quoting from an annotation in 27 A.L.R. 1439 (1923), stated:

> The doctrine is supported by many cases, that book entries not made by one who has personal knowledge of the transaction, but based upon memoranda or data furnished by others, are not admissible in evidence, without verification by the one furnishing the data and having personal knowledge of the transactions on which it is based, since otherwise the entries, even though made in the regular course of business and as a part of the duties of the entrant, are not the best evidence, but are in the nature of hearsay.[44]

The appellee, Murdock, argued for the adaptation of the existing rules of law to the new methods of keeping business records which have arisen with modern technical advances in the computer industry. The accounting manager had testified that all of the records of the company were kept by the computer on tape in the ordinary course of business by people who were experienced in the operation of the machine. He had testified that the ultimate responsibility for the accuracy of these records lay on his shoulders. The appellee stated:

> The records kept by the magnetic tape were the general books of the corporation which in the past had been kept on ledgers. Therefore, the mechanical print-outs constituted the best evidence that was available and, in fact, was the only readable record of the company made from the non-readable magnetic tape permanent record.
>
> . . . .
>
> If it were necessary to produce all of the microfilm copies of all the charge slips, payment records, etc., then the end benefits and

[39] 153 Miss. 570, 121 So. 119 (1929).

[40] 99 Miss. 229, 54 So. 839 (1911).

[41] Brief for Appellant at 32.

[42] 120 Miss. 277, 82 So. 145 (1919).

[43] 250 Miss. 320, 165 So. 2d 151 (1964).

[44] Rains v. Thorp, 250 Miss. at 327-28, 165 So. 2d at 153.

> efficiency of the data processing system would be seriously impaired.[45]

The court adopted the reasoning of the appellee and declared that the print-outs were admissible. The court did not find the lack of a statute such as the Uniform Business Records as Evidence Act to be a hindrance. The court declared:

> [T]his Court is not dependent upon legislative action to determine the question before us. The rules of evidence governing the admission of business records are of common law origin and have evolved case by case, and the Court should apply these rules consistent with the realities of current business methods.[46]

Thus the court in admitting the computer print-outs extended the shop book rule in order to bring the realities of the business world into the courtroom. The court stated that had conventional books been used instead of magnetic tape, the requirements of the shop book rule would have been met.[47] The records stored on magnetic tape were unavailable and useless unless printed out by the computer.[48]

V. Conclusion

Although Mississippi has not adopted the Uniform Business Records as Evidence Act, it should be noted that Miss. Code Ann. § 1761.5 (Supp. 1968) allows photographic copies of records kept in the regular course of business to be introduced into evidence. In *King*, Murdock had microfilmed the original records of the branch offices and destroyed the originals. These microfilmed copies were not introduced into evidence, but § 1761.5 apparently would have allowed them.

In the future this statute, § 1761.5, in conjunction with the *King* case, should provide adequate procedure in Mississippi for the admissibility of business records.

The *Seib*[49] and *Merrick*[50] cases from Nebraska and Arizona will most likely set precedents for courts of the other twenty-six states which have adopted the Uniform Business Records as Evidence Act[51] and for other states which have similar statutes.[52] It is interesting to note that Florida has amended its uniform act by inserting these words: "including a record kept by means of electronic data processing."[53]

---

[45] Brief for Appellee at 28-29.

[46] King v. State *ex rel.* Murdock Acceptance Corp., 222 So. 2d at 397.

[47] *Id.*

[48] *Id.* at 398.

[49] Transport Indem. Co. v. Seib, 178 Neb. 253, 132 N.W.2d. 871 (1965).

[50] Merrick v. United States Rubber Co., 7 Ariz. 433, 440 P.2d 314 (1968).

[51] 9A UNIFORM LAWS ANN. 504 (1965).

[52] MD. ANN. CODE art. 35, § 59 (1957); MASS. ANN. LAWS ch. 233, § 78 (1956); N.M. STAT. ANN. § 20-2-12 (1953).

[53] FLA. STAT. ANN. § 92.36 (Supp. 1970).

The comparable federal statute[54] will probably be construed in a like manner when the question arises in federal courts.

For states which adhere to the common law regarding business entries, the *King* case should provide well-reasoned authority to follow. The requirements for the admissibility of computer evidence were carefully structured by the court. Such evidence is admissible, *King* said, provided:

> (1) that the electronic computing equipment is recognized as standard equipment, (2) the entries are made in the regular course of business at or reasonably near the time of the happening of the event recorded, and (3) the foundation testimony satisfies the court that the sources of information, method and time of preparation were such as to indicate its trustworthiness and justify its admission.[55]

The foundation in *King* was met by:

(a) The supervisory capacity of the witness over the operation of the machine.

(b) The familiarity of the witness with machine procedures.

(c) A description of the operation of the machine.

(d) Showing precautions taken to prevent errors.

The court concluded, however, that computer evidence is not infallible and that it is subject to refutation to the same extent as conventional books.[56] Nevertheless, if a foundation such as the one in the *King* case is laid, no problems should be encountered in admitting computer print-outs into evidence.

James S. Armstrong

Constitutional Law—Procedural Guidelines Involved in Municipal Control of Motion Pictures

I. Introduction

All authorities agree that motion pictures are within the first and fourteenth amendments' basic protection of freedom of expression.[1] This protection may best be illustrated by the opinion in *Kingsley Pictures Corp. v. Regents*,[2] where the United States Supreme Court held unconstitutional a New York statute which prohibited the show-

[54] 28 U.S.C. § 1732 (1964).

[55] 222 So. 2d at 398. *See also* Freed, *Computer Print-Outs as Evidence*, 16 Am. Jur. Proof of Facts 273, 310 (1965).

[56] 222 So. 2d at 399.

[1] *See, e.g.*, Jacobellis v. Ohio, 378 U.S. 184 (1964); Burstyn v. Wilson, 343 U.S. 495 (1952).

[2] 360 U.S. 684 (1959).

ing of motion pictures that presented adultery in a way that would seem desirable. In striking down the statute, the court observed that the first amendment's protection "is not confined to the expression of ideas that are conventional or shared by a majority. It protects advocacy of the opinion that adultery may sometimes be proper, no less than advocacy of socialism or the single tax. . . ."[3]

To say that motion pictures are protected by the first amendment, however, does not mean that municipalities are powerless to act. The constitutional guarantee of freedom of speech does not prevent a city or municipality from protecting its citizens against obscenity in the motion pictures. This was pointed out in the case of *Burstyn v. Wilson*,[4] wherein the court observed that the constitution does not allow "absolute freedom to exhibit every motion picture of every kind at all times and in all places. . . ."[5] A municipality can, therefore, protect its citizens from obscene motion pictures, but it must tread that " 'dim and uncertain line' that often separates obscenity from constitutionally protected expression."[6] This note will, therefore, show some of the difficulties faced by a municipality in its attempt to regulate motion pictures, with special attention being given to the *procedural* guidelines set down by the courts.

II. Licensing Boards

One of the most effective methods that a municipality can employ in the regulation of motion pictures is through the use of a licensing board. In other words, if a film distributor wished to have his film exhibited to the public, he would first have to submit the film to a local board and obtain a license for the film. This, of course, raises the constitutional question of prior restraint. The United States Supreme Court faced this question in the landmark case of *Times Film Corp. v. Chicago*.[7] The petitioner in *Times Film* was challenging the validity, on its face, of a Chicago ordinance which required the submission of all motion pictures for examination prior to their public exhibition. The petitioner was not challenging the specific standards that were used in the ordinance, and the only question before the Court was whether the "ambit of constitutional protection includes complete and absolute freedom to exhibit, at least once, any and every kind of motion picture. . . ."[8] In answering this question in the negative, the Court stated, "It is not for this court to limit the state in its selection of the remedy it deems most effective to cope

[3] *Id.* at 689.

[4] 343 U.S. 495 (1952).

[5] *Id.* at 502. *See also* Roth v. United States, 354 U.S. 476 (1957), where the Court stated, "All ideas having even the slightest redeeming social importance . . . have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests. But implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance . . . ." *Id.* at 484.

[6] Jacobellis v. Ohio, 378 U.S. at 187.

[7] 365 U.S. 43 (1961).

[8] *Id.* at 46.

with such a problem, absent, of course, a showing of unreasonable strictures on individual liberty resulting from its application in particular circumstances . . . ."[9] The Court left for a future date their opinion as to what would constitute "unreasonable strictures on individual liberty," and the states and municipalities across the country were then free to adopt any measures they deemed necessary to control obscenity in the motion pictures.

Four years after their decision in the *Times Film* case, the Supreme Court, in *Freedman v. Maryland*,[10] established what they considered to be the minimum statutory standards required of a motion picture licensing board. The appellant in that case was convicted of failing to submit the film *Revenge at Daybreak* to the Maryland State Board of Censors and exhibiting it without obtaining the required license. The appellant's main contention was that the procedure used by the censorship board was unconstitutional and not simply that the statute was unconstitutional on its face.[11] The Supreme Court found that the statute was unconstitutional in that it did not provide sufficient procedural safeguards and thus ran afoul of the first amendment. The Court stated that a valid censorship system would require that: (1) the burden of proving that the film is unprotected expression must rest upon the censor; (2) the exhibitor must be assured, by statute or authoritative judicial construction, that the censor will, within a specified brief period, either issue a license or go to court to restrain showing the film; (3) any restraint prior to judicial review can be imposed only briefly in order to preserve the status quo; (4) the procedure must assure a prompt final judicial decision.[12] Concerning the second requirement, the Court pointed out that, "The teaching of our cases is that, because only a judicial determination in an adversary proceeding ensures the necessary sensitivity to freedom of expression, only a procedure requiring a judicial determination suffices to impose a valid final restraint."[13]

After the *Freedman* decision, many states and municipalities enacted statutes that required a film distributor to submit his film to a local licensing board. Many of these statutes ran afoul of the procedural safeguards set forth in *Freedman* while some, on the other hand, have been accepted by the courts.

III. Defective Procedures

In 1967 the City of Chicago enjoined the Teitel Film Corporation from showing an allegedly obscene motion picture within the Chicago city limits. The Illinois Supreme Court affirmed this action and held that the city's censorship ordinance was constitutionally sound.[14] On

[9] *Id.* at 50.

[10] 380 U.S. 51 (1965).

[11] *Id.* at 54.

[12] *Id.* at 58-59.

[13] *Id.* at 58.

[14] Cusack v. Teitel Film Corp., 38 Ill. 2d 53, 230 N.E.2d 241 (1967).

appeal, the Supreme Court of the United States reversed.[15] The Court summarized the ordinance as follows:

> The Chicago Motion Picture Censorship Ordinance prohibits the exhibition in any public place of 'any picture . . . without first having secured a permit therefor from the Superintendent of Police.' The Superintendent is required 'within three days of receipt' of films to 'inspect such . . . films . . . or cause them to be inspected by the Film Review Section . . . and within three days after such inspection' either to grant or deny the permit. If the permit is denied the exhibitor may within seven days seek review by the Motion Picture Appeal Board. The Appeal Board must review the film within 15 days of the request for review, and thereafter within 15 days afford the exhibitor, his agent or distributor a hearing. The Board must serve the applicant . . . within five days after close of the hearing. If the Board denies the permit, 'the Board, within ten days from the hearing, shall file with the Circuit Court . . . an action for an injunction against the showing of the film . . . . The court shall set the cause for hearing within five (5) days after the defendant has answered . . . . '[16]

Relying principally on the decision in *Freedman*,[17] the Court found that the Chicago Ordinance was procedurally defective in two ways. First, the 50 to 57 days provided in the ordinance for completion of the administrative process before initiation of the judicial proceeding was defective in that the procedure did not satisfy the requirement that the " 'censor will, within a specified brief period, either issue a license or go to court to restrain showing the film . . . . ' "[18] Secondly, there was no provision in the ordinance for a prompt judicial decision by the trial court, and this violated the requirement that the " 'procedure must also assure a prompt final judicial decision . . . . ' "[19]

In *Commonwealth v. Guild Theatre, Inc.*,[20] the District Attorney of Allegheny County, Pennsylvania, filed a complaint in equity alleging that defendants were exhibiting an obscene motion picture at a local theatre. The defendants received no notice of the filing of the complaint, nor of the hearing which took place later in the day before the judge. A hearing on a final injunction was set for four days later at which time the defendants requested a continuance. The defendants later appealed to the Supreme Court of Pennsylvania. The Supreme Court found the procedure, used by the lower court, to be "shockingly defective in at least two respects—the hearing without notice . . . and

---

[15] Teitel Film Corp. v. Cusack, 390 U.S. 139 (1968).

[16] *Id.* at 140.

[17] Freedman v. Maryland, 380 U.S. 51 (1965).

[18] Teitel Film Corp. v. Cusack, 390 U.S. at 141-42.

[19] *Id.* at 142.

[20] 432 Pa. 378, 248 A.2d 45 (1968). *See also* Grove Press Inc. v. City of Philadelphia, 418 F.2d 82 (3d Cir. 1969), where the court stated that the Pennsylvania preliminary iniunctive process failed " 'to provide adequate safeguards against undue inhibition of protected expression.' " *Id.* at 91.

the censorship without provision for a prompt judicial decision."[21] Relying partly on *Freedman*,[22] the Court concluded by saying:

> The fact that appellants may have been offered a full dress *hearing* within four days of the original restraint does not suffice. Quite clearly, there is no provision for a prompt [judicial] *decision*. It is vital that the continuance of First Amendment freedoms not be dependent upon the efficiency of a particular judge but upon procedural safeguards clearly embodied in a statute . . . .[23]

The Kansas Censorship System was also declared unconstitutional because it did not meet the requisite procedural safeguards.[24] In stating that the system was unconstitutional, the court observed, "First, once the Board disapproves a film, the exhibitor is required to assume the burden of instituting judicial proceedings and of persuading the courts that the film is protected expression. Second, once the Board has acted against a film, exhibition is prohibited pending judicial review, however protracted . . . . Third, no assurance is provided for a prompt judicial determination."[25]

The foregoing cases illustrate some of the procedural defects found in municipal ordinances since the Supreme Court's decision in *Freedman*.[26] Film licensing standards are also subject to other defects, perhaps the most common being that of vagueness. The standards used in an ordinance must be as precise as possible and not so vague as to set "the censor . . . adrift upon a boundless sea . . . . "[27] A Dallas film licensing ordinance was recently struck down by the United States Supreme Court in *Interstate Circuit v. Dallas*.[28] The Court indicated that

---

[21] Commonwealth v. Guild Theatre, Inc., 432 Pa. 378, 248 A.2d at 47.

[22] Freedman v. Maryland, 380 U.S. 51 (1965).

[23] Commonwealth v. Guild Theatre, Inc., 432 Pa. 378, 248 A.2d at 48.

[24] State v. Columbia Pictures Corp., 197 Kan. 448, 417 P.2d 255 (1966). *See* Embassy Pictures Corp. v. Hudson, 242 F. Supp. 975 (W.D. Tenn. 1965), where the court found a Memphis censorship ordinance unconstitutional because the action by the censorship board was final and subject to judicial review only for illegality or for want of proper jurisdiction. *See also* Fine Arts Guild, Inc. v. City of Seattle, 74 Wash. 2d 503, 445 P.2d 602 (1968), where the court found that Seattle's censorship ordinance was unconstitutional in that the board was not required to hold a hearing or give notice to the film exhibitor beyond the demand to submit the film for review and that the ordinance did not place the burden of proof upon the board nor was there any provisions for a prompt judicial review.

[25] State v. Columbia Pictures Corp., 197 Kan. 448, 417 P.2d at 258.

[26] Freedman v. Maryland 380 U.S. 51 (1965).

[27] Burstyn v. Wilson, 343 U.S. at 504.

[28] 390 U.S. 676 (1968). The Court indicated that this was not the first film licensing ordinance where the standards were found to be unconstitutionally vague. The Court listed the following cases as examples of unconstitutionally vague standards: Burstyn v. Wilson 343 U.S. 495 (1952), where "Sacrilegious" was found to have such an all-inclusive definition as to be vague and indefinite; ". . . of such character as to be prejudicial to the best interests of the people of said city," Gelling v. Texas 343 U.S. 960 (1952); "moral, education or amusing and harmless," Superior Films, Inc. v. Department of Education, 346 U.S. 587 (1954); "immoral," and "tend to corrupt

the Dallas ordinance had met the requirements of *Freedman*,[29] but that the ordinance was unconstitutional because it failed to state narrowly drawn, definite, and reasonable standards for the censorship board to follow. The Court observed that "[v]ague standards, unless narrowed by interpretation, encourage erratic administration whether the censor be administrative or judicial; 'individual impressions become the yardstick of action, and result in regulation in accordance with the beliefs of the individual censor rather than regulation by law.' "[30]

It is obvious from this discussion that, while a municipality has the power to regulate and control obscenity in motion pictures, it is not free to adopt whatever procedures it pleases and to completely disregard the teachings of the first amendment.

The problem thus presented is manifest: How can a municipality draft an ordinance which will adhere to the principles of *Freedman* and not run afoul of the first amendment?

IV. Effective Procedures

A few months after the decision in *Teitel Film Corp. v. Cusack*,[31] the City of Chicago revised its ordinance to comply with the Court's findings. Under this revised ordinance, "no more than 12 days may elapse during the entire administrative process, and a final judicial determination must follow within eight days . . . at the most, exclusive of actual trial time . . . . "[32] The court found this procedure to be acceptable under the *Freedman* doctrine. Another major consideration under review was the vagueness of the word "obscene" as it was used in the revised ordinance. The court held that the word "obscene" as used in the ordinance was not vague and stated that:

> [The word] 'obscene' has become a word of art, the definition of which has been tortuously but definitively evolved through a long series of . . . decisions. It has been held that a statute prohibiting 'obscene' materials provides a reasonably ascertainable standard of guilt, justifying a criminal conviction . . . . [I]t is the opinion of this court that if the . . . ordinance *is applied*

---

morals," Commercial Pictures Corp. v. Regents, 346 U.S. 587 (1954); "approve such films . . . [as] are moral and proper; . . . disapprove such as are cruel, obscene, indecent or immoral, or such as tend to debase or corrupt morals," Holmby Productions, Inc. v. Vaughn, 350 U.S. 870 (1955). *Id.* at 682-83.

[29] *Id.* at 690 n.22. The Court discussed the requirement of *Freedman* and found that the ordinance in question was not in contravention of those requirements.

[30] *Id.* at 685. The Court here was quoting the decision in Kingsley Int'l Pictures Corp. v. Regents, 360 U.S. at 701.

[31] 390 U.S. 139 (1968). As mentioned previously, the ordinance was struck down because the 50 to 57 day period for completing the administrative process before a judicial review could be instituted was in contravention of the *Freedman* requirements. The ordinance did not comply with the requirement that the censor must, within a brief period, either issue a license or go to court to seek an injunction, and, furthermore, there was no provision for a prompt judicial decision.

[32] Universal Film Exchanges Inc. v. City of Chicago, 288 F. Supp. 286, 290-91 (N.D. Ill. 1968).

> *only to 'obscene' materials,* the absence of further definition . . . does not render it unconstitutionally vague.[33] (emphasis added).

In *Freedman,* the Court said that while it was up to the state to adopt its own statutory scheme, a model was not lacking.[34] The Court had reference to a New York injunctive procedure which prevented the sale of obscene books. This procedure provided for a hearing within "one day after the joinder of issue, [and] the judge must hand down his decision within two days after termination of the hearing . . . ."[35] The Court recognized, however, that such a system, if applied to motion pictures, may require different time limits, but that it may serve as an aid in drafting legislation.

Maryland has since revised her statute,[36] and any state or municipality wishing to create a censorship system would be well advised to use it as an example.

V. Conclusion

The case of *Times Film Corp. v. Chicago*[37] was, of course, a landmark decision. However, the Court was divided with Chief Justice Warren and Justices Black, Douglas, and Brennan dissenting. In his dissent, Chief Justice Warren declared that:

> [T]he decision presents a real danger of eventual censorship for every form of communication . . . . I am aware of no constitutional principle which permits us to hold that the communication of ideas through one medium may be censored while other media are immune . . . . I submit that in arriving at its decision the court has interpreted our cases contrary to the intention at the time of their rendition and, in exalting the censor of motion pictures, has *endangered the First and Fourteenth Amendment rights* of all others engaged in the dissemination of ideas.[38] (emphasis added).

Justice Black in his dissent stated that:

> [A]s long as the First Amendment survives, the censor, no matter how respectable his cause, cannot have the support of government. It is not for government to pick and choose according to the standards of any religious, political, or philosophical group. It is not permissible, as I read the Constitution, for government to release one movie and refuse to release another because of *an official's concept of the prevailing need or the public good* . . . .[39] (emphasis added).

---

[33] *Id.* at 294.

[34] Freedman v. Maryland, 280 U.S. 51 (1965).

[35] *Id.* at 60.

[36] MD. ANN. CODE art. 66A, §§ 1-26 (1957). Due to their length, the code provisions are not set out here.

[37] 365 U.S. 43 (1961).

[38] *Id.* at 51.

[39] *Id.* at 81.

The potential repressive effects of the *Times Film* decision were mitigated, somewhat, by the Court's decision four years later in *Freedman v. Maryland.*[40] By establishing the basic requirements for any system of film censorship, the censor is now required to act in the role of a prosecutor with the judicial system actively participating in the review of motion pictures. Even with this protection the same basic problem is prevalent: One man or several men are making a decision based on *their* personal values and philosophies, and this decision is binding on anyone who happens to be under their respective authority. Perhaps Justice Douglas in his dissent in *Freedman* epitomized this writer's view on motion picture censorship. Justice Douglas stated that, "a pictorial presentation occupies as preferred a position as any other form of expression. If censors are banned from the publishing business, from the pulpit, from the public platform—as they are—they should be banned from the threatre . . . . "[41]

C. Gray Burdick

Constitutional Law—Welsh v. United States: Once Again—New Guidelines on Conscientious Objections

I. Introduction

In *Welsh v. United States,*[1] decided June 15, 1970, the Supreme Court said that a draftee, rather than allege religious convictions as previously required in order to obtain exemption from military service as a conscientious objector, may obtain an exemption based solely on moral and ethical objection to participation in any war at any time.[2] This was perhaps the most far-reaching decision to date in the field of military conscription. It has opened the door of exemption to many persons eligible for service in the armed forces, added to the problems of the nation's draft boards, and created many new dilemnas of its own.

The purpose of this note is to present the background of the rules on conscientious objectors, discuss the leading case of *United States v. Seeger*[3] as it led to the *Welsh* decision, and explore the possible developments that may arise from the June 15 holding.

II. Historical Background to 1965

This country has always provided the conscientious objector some exemption from military service.[4] During World War I, the Draft Act of 1917[5] only allowed conscientious objector status to members of "well-recognized"[6] religious groups. This had the practical effect of letting

[40] 380 U.S. 51 (1965).
[41] *Id.* at 62.

[1] 398 U.S. 333 (1970).
[2] *Id.*
[3] 380 U.S. 163 (1965).
[4] *Id.* at 170.
[5] National Defense Act of 1917, ch. 15, § 4, 40 Stat. 78.
[6] *Id.*

only Quakers and members of other pacifist religious sects obtain exemption. The constitutionality of the exemption withstood a first amendment attack as being an establishment of and interference with religion in the *Selective Draft Law Cases.*[7]

With World War II imminent, the Selective Training and Service Act of 1940[8] broadened the criteria and shifted the exemption to any individual "who, by reason of religious training and belief is conscientiously opposed to participation in war in any form."[9] The problem with this Congressional criterion arose over the meaning of the phrase "religious training and belief" which did not adequately define the individual belief that would qualify one for the exemption. The Second Circuit in *United States v. Kauten*[10] took the position that "the existence of a conscientious scruple against war in any form . . . " was the basis of the exemption.[11] However, in *Berman v. United States,*[12] the Ninth Circuit reached a different conclusion, saying that the appellant's belief was "based entirely upon a philosophical, social or political policy and does not entitle him to exemption from military duty."[13]

In an obvious effort to settle this intercircuit conflict, Congress passed the 1948 Selective Service Act[14] redefining the phrase "religious training and belief"[15] as "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."[16] This Act, however, merely gave the courts new terms to interpret and resulted in another conflict, this time as to what is a "belief in a relation to a Supreme Being."[17] Some courts in the 1950's construed this phrase as being restricted to the traditional idea of a deity that punishes with everlasting damnation those who take the lives of others.[18] The Second Circuit in *United States v. Seeger*[19] initiated the idea that the phrase could be more liberally related to people in whom "the stern and moral voice of conscience occupies that hallowed place in the hearts and minds of men which was traditionally reserved for the commandments

---

[7] 245 U.S. 366 (1918).

[8] Selective Training and Service Act of 1940, 50 U.S.C. § 456 (1964) [Originally ch. 625 § 6 (j), 54 Stat. 889] [hereinafter cited as 1940 Act].

[9] *Id.*

[10] 133 F.2d 703 (2d Cir. 1943).

[11] *Id.* at 708.

[12] 156 F.2d 377 (9th Cir. 1946).

[13] *Id.* at 382.

[14] Selective Service Act of 1948, ch. 625, § 6 (j), 62 Stat. 612 [hereinafter cited as 1948 Act].

[15] 1940 Act.

[16] 1948 Act at 613.

[17] *Id.*

[18] *See, e.g.,* Clark v. United States, 236 F.2d 13 (9th Cir. 1956), *cert. denied,* 352 U.S. 882 (1956); United States v. Bendik, 220 F.2d 249 (2d Cir. 1955).

[19] 326 F.2d 846 (2d Cir. 1964).

of God."[20] This holding led to the landmark Supreme Court decision in 1965 that reshaped the law in the area of conscientious objection.

III. The *Seeger* Decision

In *United States v. Seeger*,[21] the "Supreme Being" clause[22] was challenged as being a violation of the establishment of religion clause and the due process clause of the first and fifth amendments.[23] Seeger asserted that because of his individual training and belief, he conscientiously objected to participating in war in any form, and that this should exempt him from military duty. However, possessing no belief in the existence of God, Seeger refused, on the Selective Service form, to affirm or deny a belief in a Supreme Being. He said he held " 'belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed.' "[24] The United States District Court for the Southern District of New York found Seeger's beliefs to be sincere but convicted him for failure to submit to induction. His personal beliefs were not found to satisfy the 1948 congressional standard[25] and therefore merited him no exemption as a conscientious objector. The conviction was reversed by the Second Circuit, and the "Supreme Being" clause[26] was said to be an impermissible classification that was violative of the fifth amendment's due process clause.[27] The Supreme Court granted certiorari[28] and combined Seeger's case with two others.[29]

The Supreme Court, in affirming the court of appeals' judgment, considered what is a " 'belief in a relation to a Supreme Being.' "[30] After stating the first and fifth amendment questions that Seeger had raised, the Court, speaking through Mr. Justice Clark, avoided the constitutional issues and established a test that was an interpretation of what Congress had meant by using the term "Supreme Being" rather than "God": "We believe . . . the test of belief 'in a relation to a Supreme Being' is whether a given belief that is sincere and meaningful

---

[20] *Id.* at 853.

[21] 380 U.S. 163 (1965).

[22] 1948 Act at 613.

[23] United States v. Seeger, 380 U.S. at 165.

[24] *Id.* at 166.

[25] United States v. Seeger, 216 F. Supp. 516 (S.D.N.Y. 1963).

[26] 1948 Act at 613.

[27] United States v. Seeger, 326 F.2d 846 (2d Cir. 1964).

[28] United States v. Seeger, 377 U.S. 922 (1964).

[29] *See* United States v. Jakobson, 325 F.2d 409 (2d Cir. 1963), in which the claim for the exemption was based on a humanistic belief in the supreme "Goodness" which dictated the defendant's opposition to war; the United States Court of Appeals for the Second Circuit reversed the conviction for failure to determine the exact grounds for denying the exemption; Peter v. United States, 324 F.2d 173 (9th Cir. 1963), in which the appellant was not a member of any religious group and did not clearly show belief in a Supreme Being to whom he owed obedience; the United States Court of Appeals for the Ninth Circuit affirmed the conviction for failure to submit to induction.

[30] United States v. Seeger, 380 U.S. at 165.

occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption."[31]

The Court went on to say that this construction followed the Congressional intention of avoiding any arbitrary classification of religious beliefs which was first enunciated in the 1940 Act and re-emphasized in the 1948 Act.[32] Noting the "vast panoply of beliefs" in the United States, the Court also said that Congress did not intend "picking and choosing among religious beliefs."[33] In looking at an applicant for conscientious objector status, the local boards were admonished not to look at the credibility or correctness of the individual's belief, but "to decide whether the beliefs professed by a registrant are sincerely held and . . . in his own scheme of things, religious."[34]

It has been suggested that the reasoning in *Seeger* was the only alternative to holding the statutory conscientious objector status unconstitutional.[35] But since the Court chose instead to interpret the broad concept of "religious training and belief,"[36] the constitutional issue was subrogated to the national policy of not leaving conscientious objectors without exemptions and trying to work out a test to determine who deserves it. Under the *Seeger* test, the Court satisfied both the traditionalists, by making the basic standard "the orthodox belief in God," and the more liberal by allowing exemptions to those whose beliefs are "parallel" to the basic standards.[37] The Court still read Congress' intent as excluding "essentially political, sociological, or philosophical views."[38] A moral code, excluded from the statutory exemption, had not only to be personal, but also the "sole basis for the registrant's belief and . . . in no way related to a Supreme Being."[39] Therefore, since Seeger's beliefs met the Court's test, his objection could not be based merely on a personal moral code; the Court's test and a personal moral code were deemed to be mutually exclusive.[40]

Mr. Justice Douglas concurred in a separate opinion saying that he did not think that Congress meant the term "Supreme Being" to be used in such a narrow sense because of the many and diverse religious views that exist in this country.[41]

The Military Selective Service Act of 1967,[42] occasioned by the *Seeger* decision, deleted the term "Supreme Being" and left the exemp-

[31] *Id.* at 165-66.

[32] *Id.* at 176.

[33] *Id.* at 175.

[34] *Id.* at 184-85.

[35] Rabin, *When Is a Religious Belief Religion: United States v. Seeger and the Scope of Free Exercise*, 51 CORN. L.Q. 231, 240 (1965).

[36] 1940 Act.

[37] United States v. Seeger, 380 U.S. at 165-66.

[38] *Id.* at 165.

[39] *Id.* at 186.

[40] *Id.*

[41] *Id.* at 192.

[42] Military Selective Service Act of 1967, 50 U.S.C. App. § 456 (j) [hereinafter cited as 1967 Act].

tion to any person "who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form . . . . [T]he term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or merely a personal moral code."[43] Thus Congress tried to nullify the Supreme Court's test, setting the stage for the Court's recent reply.

IV. The *Welsh* Holding

Elliott Ashton Welsh II was raised in a religious atmosphere as a child but did not attend a church that taught pacifist doctrines. As a young man he did not belong to any religious organization, conform to an orthodox faith, or hold a pacifist viewpoint. Later, Welsh's ideas formed and matured, and in April 1964 he applied to his local draft board for conscientious objector status. On the Selective Service conscientious objector form which reads, "I am, by reason of my religious training and belief, conscientiously opposed to participation in war in any form," Welsh signed only after crossing through the words "religious training and." He also stated that he did not believe in a Supreme Being, but in March 1965 [probably after the *Seeger* decision] he requested to leave the question open.[44] Welsh believed "the taking of life—anyone's life—to be morally wrong."[45] He said, "I believe that human life is valuable in and of itself; in its living; therefore I will not injure or kill another human being. This belief [and the corresponding 'duty' to abstain from violence toward another person] is not 'superior to those arising from any human relation.' On the contrary: *it is essential to every human relation.*"[46] Because of this, he felt he could not become a member of the armed forces and thus "assume duties which I feel are immoral and totally repugnant."[47]

Welsh refused to submit to induction when his application for exemption was denied, and his conviction of three years' imprisonment was affirmed in 1968 by the United States Court of Appeals for the Ninth Circuit.[48] The court of appeals said that there was no doubt as to Welsh's sincerity in his views, and the United States acknowledged that his beliefs were held as strongly as orthodox religious tenets are by a traditional religious believer. But, the court continued, since Welsh "constantly declared that his beliefs stemmed from sociological, economic, historical, and philosophical considerations," and "denied that his objection to war was premised on religious belief," the Appeal Board "was entitled to take him at his word . . . " and deny him the exemption.[49]

On October 13, 1969, the Supreme Court granted certiorari[50] and, following the reasoning of *Seeger*, reversed the court of appeals on

[43] *Id.*

[44] Welsh v. United States, 398 U.S. 333, 335-38 (1970).

[45] *Id.* at 343.

[46] *Id.*

[47] *Id.*

[48] Welsh v. United States, 404 F.2d 1078 (1968).

[49] *Id.* at 1081-82.

[50] Welsh v. United States, 396 U.S. 816 (1969).

June 15, 1970.[51] The government sought to distinguish the *Seeger* holding on the two grounds accepted by the Ninth Circuit: Welsh was more definite than Seeger in denying that his views were religious, and Welsh's beliefs were more "essentially political, sociological, or philosophical, or a merely personal moral code"[52] than Seeger's.[53] Speaking through Mr. Justice Black, the majority of the Court did not accept the government's contentions. To the first the Court said, "very few registrants are fully aware of the broad scope of the word 'religious' . . . and accordingly a registrant's statement that his beliefs are nonreligious is a highly unreliable guide . . . ."[54] To the second contention the Court replied that the statutory exclusion from exemption should not omit "those who hold strong beliefs about our domestic and foreign affairs or even those whose conscientious objection . . . is founded to a substantial extent upon considerations of public policy."[55] Those to be excluded from the exemption were registrants who do not hold strong beliefs and those whose objection "does not rest at all upon moral, ethical, or religious principle but instead rests solely upon considerations of policy, pragmatism, or expediency."[56] Strongly held moral convictions were thus seemingly equated with religion:

> If an individual deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual 'a place parallel to that filled . . . by God' in traditionally religious persons. Because his beliefs function as a religion in his life, such an individual is as much entitled to a 'religious' conscientious objector exemption . . . as is someone who derives his conscientious opposition to war from traditional religious convictions.[57]

The Court further stated that under the *Seeger* standards and those set out in the *Welsh* case, religious, moral, and ethical beliefs cannot be "essentially political, sociological, or philosophical, or a merely personal moral code."[58] Again, as in *Seeger*, these two concepts were concluded to be mutually exclusive.

Mr. Justice Harlan, in a separate concurring opinion,[59] felt that it was now time to face the constitutional issues upon which Mr. Justice Black specifically refused to pass.[60] Harlan reasoned that any exemption on religious grounds was a benefit to religion and therefore violative of the first amendment's prohibition of an establishment of religion.[61] He

[51] Welsh v. United States, 398 U.S. 333 (1970).
[52] 1967 Act.
[53] Welsh v. United States, 398 U.S. at 340-42.
[54] *Id.* at 341.
[55] *Id.* at 342.
[56] *Id.* at 342-43.
[57] *Id.* at 340.
[58] *Id.* at 343.
[59] *Id.* at 344-69.
[60] *Id.* at 335.
[61] *Id.* at 345.

argued further that Congress could totally eliminate the exemption for conscientious objectors and thereby be "neutral" on the issue of religion.[62] He concluded, "having chosen to exempt, it [Congress] cannot draw the line between theistic or nontheistic religious beliefs on the one hand and secular beliefs on the other."[63] So, Harlan's position was to save the Congressional policy of allowing exemptions and to adopt the Court's test to give the aura of constitutionality to the conscientious objector exemption.

A strong dissent was lodged by Mr. Justice White (joined by Chief Justice Burger and Justice Stewart) that the majority's interpretation had distorted Congress' intention in granting the exemption.[64] White stated: "Even if Welsh is quite right in asserting that exempting religious believers is an establishment of religion forbidden by the first amendment, he nevertheless remains one of those persons whom Congress took pains not to relieve from military duty."[65] He went on to say that a solid Congressional basis for exempting only religious objectors existed in the "necessary and proper" clause as it related to the raising and supporting of armies. Because of this, he did not want to frustrate the aim of Congress by expanding the exemption to those whose objection to war stems from nonreligious grounds.[66]

V. The Aftermath of *Welsh*—and Beyond

The *Welsh* ruling again pointed out vividly that there still exists the "terribly onerous duty"[67] of deciding who qualifies for the conscientious objector exemption and who does not. The day after *Welsh*, Selective Service Director Curtis W. Tarr issued, at a news conference, the four standards that would be required for a young man to prove that his ethical and moral opposition to war is not only deeply felt but is the result of some type of training beyond a purely personal moral code:[68]

(1) There must be "no question" that the applicant's belief is sincere.

(2) The applicant must be opposed to war in all forms, not just to the war in Vietnam.

(3) The applicant's belief must be something more than a personal moral code. He must have taken into account the thoughts of "other wise men" and must have consulted "some systems of belief" beoynd the scope of his own thoughts.

(4) The applicant's views must be the product of "some kind of rigorous training."[69]

---

[62] *Id.* at 356.

[63] *Id.* at 356.

[64] *Id.* at 367-74.

[65] *Id.* at 368.

[66] *Id.* at 371-72.

[67] WHY THE DRAFT? 180 (J. C. Miller ed. 1968).

[68] N.Y. Times, June 17, 1970, at 1, col. 1 (late city ed.).

[69] *Id.*

Tarr went on to say that the *Welsh* decision and the guidelines that followed it may produce a more unfair system. Unless the applicant can show a knowledge of philosophy, religion, and ethics, he may fall short of the "rigorous training" standard. This, Tarr said, would put the uneducated man at a disadvantage in applying for the exemption.[70] Although the ruling may open the way for more exemptions and increase the work of local boards and appeal boards, Tarr did not believe many registrants would qualify for the exemption because of the difficulty in convincing the draft boards that their views are sincere or based on "rigorous training."[71] To keep the draft boards from being swamped with applications, Tarr noted that the new ruling would not apply retroactively.[72]

On July 6, 1970, in a directive to the local boards throughout the country, Director Tarr broadened slightly the guidelines he had announced on June 16, 1970.[73] The primary test for local boards to follow in looking at an applicant for the exemption was said to be the sincerity and depth of belief, and not whether the beliefs are comprehensible to the board members.[74] The "rigorous training" requirement was seemingly extended to hold that the applicant's training must arise from an activity "comparable in rigor and dedication" to traditional religious training.[75] Tarr also directed the draft boards to "make every effort" not to let the educated man talk his way to an exemption where the uneducated applicant could not.[76]

Even with the efforts of the Supreme Court and the Selective Service System, the *Welsh* ruling will probably not be the final word in the field of military conscription and conscientious objection. It has left the area open to many old problems and suggested some new ones of its own. One observation has been that Congress may void the decision.[77] In the light of the concurring and minority opinions that *Welsh* exempted those to whom Congress had explicitly denied the exemption, the Congress may, as they so often have done on the conscientious objector subject, step in and alter or override the Supreme Court formulated test. This could set the stage for forcing a majority of the Court to face the first amendment issue of the conscientious objector exemption as an "establishment of religion."

The *Welsh* holding does not exempt those who are opposed to a particular war and not to all war.[78] The war in Vietnam has raised this

[70] *Id.* at 13, col. 1.

[71] *Id.*

[72] *Id.*

[73] N.Y. Times, July 7, 1970, at 1, col. 3 (late city ed.).

[74] *Id.* at 1, col. 3.

[75] *Id.* at 1, col. 3.

[76] *Id.* at 7, col. 1.

[77] TIME, June 29, 1970, at 40.

[78] *See* the argument in favor of such exemption in 3 HARV. CIVIL RIGHTS—CIVIL LIBERTIES L. REV. 3 (1967-68). The author contends that to refuse exemption to those opposed to a particular war is a denial of fifth amendment due process, violates the first amendment's "free exercise" provision, and that such exemption would not impair the government's capacity to wage war.

issue, and the Court avoided deciding that precise question in mid-summer, 1970, in *United States v. Sisson* where a registrant refused to be inducted and contended that he could not constitutionally be made to participate in a war to which he conscientiously objects.[79]

The *Welsh* ruling and the new Selective Service guidelines[80] will almost certainly be challenged in court. Director Tarr's statement that the opinion of the Court was not to be applied retroactively[81] will probably be opposed by a registrant who was denied an exemption on moral or ethical grounds prior to June 15, 1970, and a future litigant may say that too much discretion is left in the hands of local draft officials in deciding such a nebulous term as "sincerity." Another court challenge could possibly ensue when an uneducated registrant, not as sufficiently articulate in explaining his ideas as one with a college education, asserts a denial of equal protection of the laws despite the local boards' efforts to keep this from happening.

VI. Conclusion

The *Welsh* decision has made it much easier for a draft registrant to win a conscientious objector exemption. The Supreme Court has extended the exemption to "those whose consciences, spurred by deeply held moral, ethical, or religious beliefs, would give them no rest or peace if they allowed themselves to become a part of an instrument of war."[82] As our society has acquired more sophistication, so the Court in *Seeger* and *Welsh* has circumvented the terms "God," "Supreme Being," and "religion" to express the viewpoint that an individual's own concept of a phenomenon beyond his own imagination and existence is deserving of the government's respect. The Court could spend a great deal of time constructing a framework to buttress the *Welsh* holding. But if *Welsh* is to be a valid judicially established policy which interprets Congressional intent, the question remains open whether or not this is a point of cessation where the Court may draw the line. With the protection given systems of belief under the expanding construction of the free exercise clause, tacitly reiterated in *Welsh*, the Court, to be honest with itself, cannot stop here. The issue of conscientious objection to a particular war will have to be faced, and the opportunity will arise during this term. The final issue of the draft itself may be presented in the near future if the Court keeps the initiative which it seized last June.

William C. Trotter, III

Labor Law—The Policies and Decisional Processes in the *Boys Markets* Decision

I. Introduction

The broad area of labor law is peculiarly affected by policy considerations. There is no common law of labor, and so the search for

[79] Time, *supra* note 77.

[80] N.Y. Times, *supra* note 68, at 13, col. 1. *See also* n.73, *supra*.

[81] N.Y. Times, *supra* 68, at 13, col. 1.

[82] Welsh v. United States, 398 U.S. at 344.

precedent in this field is usually a quest for the golden fleece of legislative intent. Legislative intent is by definition a statement of policy, and thus precedent in labor law is a precedent of policy considerations.

The labor policy of this nation is changing in a perceptible trend toward restraint and arbitration as opposed to economic warfare and compromise. This trend brings to the forefront the legal problems surrounding the labor contract and the no-strike clause. The developing role of the no-strike clause and the legal incidents of its enforceability are the subject of this note.

The recent decision of *Boys Markets, Inc. v. Retail Clerks Local 770*[1] is a very significant and surprising development in labor law. The United States Supreme Court ruled that a federal district court could enjoin a strike in violation of a no-strike clause of a labor contract. This represents an abrupt change of direction in the Court's treatment of the conflict between the anti-injunction provisions of the Norris-La Guardia Act[2] and the Taft-Hartley Act,[3] and it is a rejection of the Court's earlier position on the question taken in *Sinclair Refining Co. v. Atkinson*.[4] At stake is the role of the contract injunction in the collective bargaining and arbitration processes, and the effect of the opposing thrusts of the two Acts on that role. This note will attempt to discover the decision making processes by which this change in direction occurred and the contending policies which led to the *Boys Markets* result.

The *Sinclair Refining* decision, ruling that federal district courts could not issue injunctions against strikes in violation of no-strike clauses in labor contracts,[5] had two "mutually unpleasant" possible results:[6] (1) to frustrate the arbitration encouragement purposes of the Taft-Hartley Act[7] and the *Steelworkers Trilogy*[8] or (2) to make of the state court a preferable forum for labor contract litigation.[9] The unpleasantness was visited upon the arbitration policy when the court in *Avco Corp. v. Aero Lodge No. 735*[10] decided that state court injunctions could be avoided by removal. The *Boys Markets* decision is a reaffirmance by the Court of the *Steelworkers Trilogy* policy in favor of arbitration.

The opinion in the *Sinclair Refining* case and the recent rejection of that opinion in *Boys Markets* reveal markedly different processes of

---

[1] 398 U.S. 235 (1970).

[2] 29 U.S.C. § 104 (1964).

[3] 29 U.S.C. § 185 (1964).

[4] 370 U.S. 195 (1962).

[5] *Id.* at 203.

[6] Aaron, *Strikes in Breach of Collective Agreements: Some Unanswered Questions*, 63 COLUM. L. REV. 1027, 1039 (1963).

[7] 29 U.S.C. § 141-531 (1964).

[8] United Steelworkers of America v. American Mfg. Co., 363 U.S. 564 (1960); United Steelworkers of America v. Warrior & Gulf Nav. Co., 363 U.S. 574 (1960); United Steelworkers of America v. Enterprise Wheel & Car Corp., 363 U.S. 593 (1960).

[9] Sinclair Refining Co. v. Atkinson, 370 U.S. at 226.

[10] 390 U.S. 557, 561 (1968).

decision. The *Sinclair Refining* opinion and the *Boys Markets* dissent,[11] both written by Mr. Justice Black, use what might be called a "strict construction" method of decision making. According to this view, the anti-injunction provisions of Norris-La Guardia within the four corners of the Act, read in the light of the legislative history, forbid the use of an injunction in a labor dispute, and a labor contract strike is a labor dispute.[12] The opinion in *Sinclair Refining* is characterized by a detailed and exhaustive research of the legislative intent, and this is the basis of decision. On the other hand, the *Sinclair Refining* dissent and the *Boys Markets* majority opinion, both written by Mr. Justice Brennan, are grounded in policy considerations in view of the conflict of purpose and policy between Norris-La Guardia and Taft-Hartley.[13] Mr. Justice Brennan's view would seek an "accommodation"[14] of the two Acts, while Mr. Justice Black maintains that there is no conflict requiring compromise.[15]

The view of Mr. Justice Brennan gained ascendancy in the *Boys Markets* decision. It will appear that this reversal is due to the triumph of policy over precedent in the Court's continuing promotion of arbitration in the collective bargaining process.

II. Basis of Reversal: Policies Analyzed

Objections made to the *Sinclair Refining* decision are generally made on the basis of policy considerations. It has been said that the holding is "indefensible on policy grounds."[16] The reasons for this conclusion apparently are the harmful effects on the collective bargaining process and on arbitration. In support of the federal district court's power to enforce an arbitrator's award and specifically enforce a no-strike clause, the judge said:

> Any expansive reading of the *Sinclair* decision would seem inconsistent with the declared congressional policies underlying the two acts.[17]

This harmful effect upon the arbitration process is the basis of the Court's reversal in *Boys Markets.*

Although Mr. Justice Black does not believe the conflict compels reversal,[18] his opinion in *Sinclair Refining* is based upon the conflict between Norris-La Guardia and Taft-Hartley,[19] as is the dissent.[20] This

[11] Sinclair Refining Co. v. Atkinson, 370 U.S. at 203; The Boys Markets, Inc. v. Retail Clerks Local 770, 398 U.S. at 255.

[12] Sinclair Refining Co. v. Atkinson, 370 U.S. at 203.

[13] *Id.* at 216; The Boys Markets, Inc. v. Retail Clerks Local 770, 398 U.S. at 250.

[14] Sinclair Refining Co. v. Atkinson, 370 U.S. at 225.

[15] *Id.* at 213.

[16] Comment, *Labor Law: Norris-La Guardia Act Bars Specific Enforcement of No-Strike Clause,* 47 MINN. L. REV. 643, 650 (1963).

[17] Pacific Maritime Ass'n v. International Longshoremens & Warehousemens Union, 304 F. Supp. 1315, 1317 (N.D. Cal. 1969).

[18] Sinclair Refining Co. v. Atkinson, 370 U.S. at 213.

[19] *Id.* at 196.

[20] *Id.* at 216.

is the realistic view of the matter in view of the purposes of § 301 of the Taft-Hartley Act—to promote uniformity in labor decisions by the creation of a federal forum and to effectuate enforcement of collective bargaining agreements.[21]

Assuming that some accommodation between the statutes is necessary, it is submitted that the *Boys Markets* view of the matter is the more enlightened one because it squarely faces the compromise to be made,[22] while the *Sinclair Refining* opinion ignores it.[23] It is especially difficult to justify the *Sinclair Refining* position in view of the earlier positions of the Court on the process of accommodation in closely analogous cases.[24]

It is submitted that a literal reading of legislative intent is inappropriate to the decision being made. The legislative intent in the Norris-La Guardia Act is several decades away from the problem at hand,[25] and the nature of the conflict compels accommodation.[26] The Court in *Lincoln Mills*[27] said that the legislative history of Taft-Hartley revealed that both parties were to be equally compelled to bargain collectively,[28] and said further:

---

[21] Keene, *The Supreme Court, Section 301 and No-Strike Clauses; From Lincoln Mills To Avco and Beyond*, 15 VILL. L. REV. 32 (1969). *See also* Note, *Labor Law—Jurisdiction—State Courts—Violations of Collective Bargaining Agreements*, 36 TUL. L. REV. 868 (1962).

[22] The Boys Markets, Inc. v. Retail Clerks Local 770, 398 U.S. at 250; Sinclair Refining Co. v. Atkinson, 370 U.S. at 216 (dissenting opinion).

[23] 370 U.S. at 196-97.

[24] We hold that the Norris-LaGuardia Act cannot be read alone in matters dealing with railway labor disputes. There must be an accommodation of that statute and the Railway Labor Act so that the obvious purpose in the enactment of each is preserved. Brotherhood of Railroad Trainmen v Chicago River & Indiana R.R., 353 U.S. 30, 40 (1957).

Though a literal reading might bring the dispute within the terms of the [Norris La Guardia] Act . . . we see no justification in policy for restricting § 301 (a) to damage suits, leaving specific performance of a contract to arbitrate grievance disputes to the inapposite procedural requirements of that Act. Textile Workers of America v. Lincoln Mills, 353 U.S. 448, 458 (1957).

[25] The Norris-LaGuardia Act was passed in 1932, and the basis of the Act is invariably said to be the securing of the right of labor to organize and the guaranteeing to labor of its remedies in the self help context. There is no authority that contract remedy enforcement is an end toward which the Act was directed. Pacific Maritime Ass'n v. International Longshoremens and Warehousemens Union, 304 F. Supp. at 1316-17; Aaron, *Labor Injunction Reappraised*, 10 U.C.L.A. L. REV. 292, 298 (1963); Bartosic, *Injunctions and Section 301; The Patchwork of Avco and Philadelphia Marine on the Fabric of National Labor Policy*, 69 COLUM. L. REV. 980, 982-83 (1969); Keene, *supra* note 21, at 39.

[26] The Court then should so exercise its judgment as best to effect the most important purposes of each statute. It should not be bound by inscrutable congressional silence to a wooden preference for one statute over the other. Sinclair Refining Co. v. Atkinson, 370 U.S. at 224 (dissenting opinion).

[27] Textile Workers of America v. Lincoln Mills, 353 U.S. at 450-51.

[28] *Id.* at 458-59. *See also* Charles Dowd Box Co. v. Courtney, 368 U.S. 502, 509 (1962).

> The congressional policy in favor of the enforcement of agreements to arbitrate grievance disputes being clear, there is no reason to submit them to the requirements of § 7 of the Norris-La Guardia Act. [29]

In the face of the conflicts in policy of the recent decisions,[30] some change in the thrust of the *Sinclair Refining* rule was necessary. Taken together with *Charles Dowd Box Co. v. Courtney*,[31] wherein the Court continued the viability of state labor jurisdiction, the rule resulted in a lack of a parallel between the state and federal courts as labor forums. This result was intolerable, and stop-gap measures such as defeating the jurisdiction of the state court by removal, as in *Avco Corp. v. Aero Lodge No. 735*,[32] did not cure the defect. The two alternatives of the Court were to apply the *Sinclair Refining* rule to the state courts,[33] or to overturn the rule as to the federal courts. It chose the latter because all other alternatives resulted in injury to the *Steelworkers Trilogy* policy in favor of arbitration. The Court found no acceptable "accommodation" of the conflicting statutes in view of its policies without a rejection of the *Sinclair Refining* rule.

An important policy factor is that the harm to the purposes of Norris-La Guardia from the *Boys Markets* rule is far less than that to the policies of Taft-Hartley from the *Sinclair Refining* rule.[34] Little, if any, harm to the protective purposes of Norris-La Guardia results from prohibiting contract strikes, while great harm to § 301 results from a strike in violation of a contract.

The Norris-La Guardia Act was intended to protect the power position of labor organizations in contending with management in the economic arena.[35] This purpose was not defeated by the *Boys Markets* decision There is no harm to labor's self-help position in requiring immediate and specific adherence to the arbitration clause of the contract. The contract itself will still be written by the contending forces. The effect of the *Boys Markets* rule is to deny to labor the right to select their remedies—to enter arbitration or to strike as conditions or, more frequently, emotions dictate. Now labor, as well as management, may be immediately compelled to conform their self-help activity to the terms of the contract. It is submitted that this is a very salutary rule in its effect, and that this result is essential to a meaningful arbitration process.

Profound changes have occurred in the political and economic environment of the nation in the last four decades. When we speak of "policy" as being persuasive or even determinative of the construction

---

[29] Textile Workers of America v. Lincoln Mills, 353 U.S. at 458-59.

[30] *See* notes 8-10 *supra*.

[31] 368 U.S. 502 (1962).

[32] 390 U.S. 557 (1968).

[33] For comment in favor of this position, see Bartosic, *supra* note 25.

[34] It cannot be denied that the availability of the injunctive remedy in this setting is far more necessary to the accomplishment of the purposes of § 301 than it would be detrimental to those of Norris-La Guardia. Sinclair Refining Co. v. Atkinson, 370 U.S. at 218.

[35] *See* note 25 *supra*.

to be put on statutory law or precedent, we mean that we rule in view of the practical facts of the day. It is now universally accepted that precedent is binding only so long as the reason for that precedent persists. Therefore, the changes in the environment surrounding organized labor are a valid basis for changes in the application of Norris-La Guardia.[36]

It was said by the Court in *Brotherhood of Railroad Trainmen v. Chicago River & Indiana R.R.*[37] that injunctions against contract strikes do not strip labor of its primary weapon because it provides, in arbitration, a reasonable alternative.[38] If the purpose of Norris-La Guardia is to prevent judicial interference with the national labor policy, then the use of injunctions to encourage arbitration does not harm that policy.[39] If the purpose of injunctions is to prohibit illegal conduct resulting in irreparable harm for which there is no legal remedy,[40] then it is difficult to justify the objections to their use against contract strikes.

There appears to be very little authority or persuasive comment which approves the policy of using Norris-La Guardia to defeat an injunction in the limited case of contract strikes. The basis of the Norris-La Guardia Act invariably is cited as being directed at allowing labor the right to organize and compete by bargaining collectively.[41] None of the objections to labor injunctions are relevant to contract strikes, and they are uniformly articulated in terms of self-help protection.[42] In view of the present economic circumstances of the nation, Norris-La Guardia has been called an "anachronism."[43] The Court in *Lincoln Mills* recognizes this change in circumstances:

> The kinds of acts which had given rise to abuse of the power to enjoin are listed in § 4. The failure to arbitrate was not a part and parcel of the abuses against which the Act was aimed.[44]

The dissenting opinion in *Sinclair Refining* took the view indicated

---

[36] Kiernan, *Availability of Injunctions Against Breaches of No-Strike Agreements in Labor Contracts*, 32 ALBANY L. REV. 303, 315 (1967).

[37] 353 U.S. 30, 41 (1957).

[38] *See* Comment, *Jurisdiction of Federal Courts to Enjoin Labor Disputes*, 32 TENN. L. REV. 264, 285 (1965) (contract strike injunction is "not even remotely" a restraint on self help power); Note, *supra* note 21, at 871 ("distinctly different").

[39] Comment, *Labor Law—Section 301 from Lincoln Mills to Sinclair Refining*, 11 LOYOLA L. REV. 326, 329 (1963).

[40] Aaron, *Labor Injunctions in the State Courts—Part II: A Critique*, 50 VA. L. REV. 1147 (1964).

[41] Pacific Maritime Ass'n v. International Longshoremens & Warehousemens Union, 304 F. Supp. at 1316-17; Aaron, *supra* note 25, at 298; Bartosic, *supra* note 25, at 982-83; Comment, *supra* note 38, at 265.

[42] The objections to injunctions made contemporaneous with the enactment of Norris-La Guardia are enumerated by Professor Benjamin Aaron uniformly in terms of the *merits* of the labor conflict. Aaron, *supra* note 40.

[43] Aaron, *supra* note 25, at 344.

[44] Textile Workers of America v. Lincoln Mills, 353 U.S. at 458.

and said that the issue in that case was contract remedies and not the larger area of labor policy.[45] The purpose of Taft-Hartley was to provide a federal forum to secure enforcement of collective agreements and to promote uniformity in the national labor policy.[46] Norris-La Guardia was a product of the early days of the labor struggle,[47] while Taft-Hartley was a post-World War II attempt to discipline "Big Labor" resulting from a national anti-strike mood, acute inflation, and the Republican resurgence.[48] In view of the opposing thrusts of the two Acts, the changed relative positions of labor and management, and the new direction of the Court's labor policy with the great emphasis on arbitration for conflict adjustment, it is not strange that the *Sinclair Refining* decision was overturned.

The *Sinclair Refining* dissent and the *Boys Markets* opinion both reveal the importance accorded to the encouragement of arbitration as a policy basis for the reversal.[49] The Court in *Lincoln Mills* said that the agreement by management to arbitrate is the "quid pro quo" for the no-strike clause.[50] A lower court, in construing the pre-*Boys Markets* rule, said:

> [I]t would be a strange conclusion that parties who agree to arbitration would still be free to disrupt the labor-management relationship and orderly flow of commerce by a work stoppage in disregard of the arbitrator's award.[51]

In the *Steelworkers Trilogy* the Court said that inclusion of a grievance in arbitration is to be presumed[52] so as to include the widest possible range of conflicts within its processes, and that arbitration can effect its purpose of stabilization only when all disputes are arbitrated.[53] Under these policies, the *Sinclair Refining* rule was an intolerable, dysfunctional effect on the arbitration process because labor could always elect whether to strike or arbitrate or both on a given occasion.

The most significant aspect of the *Steelworkers Trilogy* policy is the transcendence of contract principles by the Court and the creation of the idea of the "industrial self-government."[54] The opinions refer to the collective bargaining agreement as a "code" of government.[55] It is submitted that "government" presupposes the existence of a final authority with the power of enforcement. The question becomes, "Where is the final authority to be vested?" The Supreme Court ruled that courts are

---

[45] Sinclair Refining Co. v. Atkinson, 370 U.S. at 224-25.

[46] Kiernan, *supra* note 36.

[47] *See* note 25 *supra*.

[48] Aaron, *supra* note 43, at 323.

[49] The Boys Markets, Inc. v. Retail Clerks Local 770, 398 U.S. at 235; Sinclair Refining Co. v. Atkinson, 370 U.S. at 227.

[50] Textile Workers of America v. Lincoln Mills, 353 U.S. at 455.

[51] Pacific Maritime Ass'n v. International Longshoremens & Warehousemens Union, 304 F. Supp. at 1318.

[52] United Steelworkers of America v. Warrior & Gulf Nav. Co., 363 U.S. at 580.

[53] United Steelworkers of America v. American Mfg. Co., 363 U.S. at 567.

[54] *Id.* at 570.

[55] United Steelworkers of America v. Warrior & Gulf Nav. Co., 363 U.S. at 578.

not to interfere with the merits of the arbitration dispute, but are to be limited to compelling performance of the agreement to arbitrate.[56] Pursuing this policy, the power of enforcement must be vested somewhere. This seems a particularly appropriate function of the courts (an outside influence from the standpoint of the "industrial self-government").

It is a common rule in both playgrounds and appellate courts that agreement must be enforced equally on both sides. This natural reaction assumes the proportions of an important policy for at least two reasons: (1) the parties may be expected to react negatively if the rule is not equally applied, and (2) it is an integral feature of our common law of contracts and other laws. The *Sinclair Refining* dissent noted this effect of the rule of the opinion in these words:

> It is strange, I think, that § 7 of the Norris-La Guardia Act need not be read, in the face of § 301, to impose inapt procedural restrictions under the specific enforcement of an employer's contractual duty to abritrate; but that § 4 must be read, despite § 301, to preclude absolutely the issuance of an injunction against a strike which ignores a union's identical duty.[57]

This result has been rightly called "preposterous."[58] It was noted in the *Chicago River* opinion[59] in an analogous situation that the union would hardly support the same rule in reverse.

The trend of labor law in this country is clearly away from the old economic warfare concept and toward more restraints upon the latitude of both labor and management to use self-help tactics. When the injunction jurisdiction of the state courts was destroyed by *Avco Corp. v. Aero Lodge No. 735*[60] in pursuit of uniformity in the law and in the forums, the burden of the *Sinclair Refining* rule was finally put upon arbitration. This result was contrary to the most basic policies of the developing trend in our labor law. The *Boys Markets* reversal was the surprise result.

Michael S. Allred

---

[56] United Steelworkers of America v. Enterprise Wheel & Car Corp., 363 U.S. at 598.

[57] Sinclair Refining Co. v. Atkinson, 370 U.S. at 219-20.

[58] Aaron, *supra* note 43, at 344-45.

[59] 353 U.S. 30, 34 n.8 (1957).

[60] 390 U.S. 557 (1968).

APPENDIX I

A. Resolutions of Mississippi State Bar

WHEREAS, our President and Friend, Honorable Boyce Holleman, has served our profession and our Association and the people of our state faithfully and well during a particularly difficult and trying period, and in spite of impossible demands on his time and energies as a result of the tragic loss of life and property resulting from Hurricane Camille, and

WHEREAS, his dogged, determined, and unceasing efforts to meet these demands, and to bring legal assistance to a stricken people, and to, at the same time, serve the Mississippi Bar Association with the same devotion and duty, have required much of him and his substance, which he freely gave and in giant measure, and

WHEREAS, his appearances for and on behalf of the Bar have reflected great credit upon the Bar and have resulted in notable accomplishments for the Bar, and for the judiciary and for the public, and

WHEREAS, he is now seriously ill, and

WHEREAS, his illness is a matter of grave concern to us all, and

WHEREAS, his absence from our midst leaves a lonely place that cannot be filled;

NOW, THEREFORE, BE IT RESOLVED, that the Mississippi Bar Association expresses its sincere appreciation to Honorable Boyce Holleman for the great and unselfish service he has rendered and the remarkable accomplishments he has achieved during this year as our President, in behalf of the Bar, the judiciary and the public, and we hereby convey to him our affection, and our hopes and prayers for his early and complete recovery of health.

WHEREAS, the time has come for the establishment of a permanent home for our Mississippi Bar Association;

NOW, THEREFORE, BE IT RESOLVED that the Mississippi Bar Association requests and authorizes the Board of Commissioners of the Mississippi Bar Association to appoint the necessary committee and take the necessary action to obtain a grant of state land in Jackson, Mississippi from the Mississippi Legislature, and to prepare plans for a suitable Bar Center Building, and to solicit and raise the necessary funds, and to proceed within its means to the construction of a permanent Mississippi Bar Center.

WHEREAS, the 65th annual meeting of the Mississippi State Bar, held at the Broadwater Beach Hotel, Biloxi, Mississippi, June 25-27, 1970, has been most rewarding and enjoyable; and

WHEREAS, the entire membership of the Bar, particularly those attending this convention, feel deeply indebted to all those who have worked so capably and efficiently in planning and arranging this convention.

THEREFORE, BE IT RESOLVED, that the members of the Mississippi State

Bar, in convention assembled, hereby express our heartfelt appreciation to the following:

Our capable and outstanding President, Honorable Boyce Holleman, for his excellent leadership which has contributed immeasureably to the growth and success of our organization;

The other officers and members of the Board of Commissioners;

The officers and Directors of the Junior Bar Section;

The Gulfport Junior Bar wives for the Ladies' Luncheon, Art Show and Style Show;

The Registration personnel and reporters;

The Committee which served during the year and at this convention;

Our featured speakers, Hon. Joseph Mullen, Hon. William V. Alexander, Jr., Hon. Henry L. Pitts, Hon. Edward L. Wright, Hon. Tom Davis, Hon. Jimmie Davis, Hon. J. H. "Dizzy" Dean, and Hon. Bidwell Adam, for their valuable contributions to our program;

The University of Mississippi School of Law and the Mississippi Supreme Court for the Moot Court presentation;

The Hon. Gibson B. Witherspoon, Hon. Francis Bowling, Hon. Hugh N. Clayton, Hon. Roger Landrum, and Hon. John C. Satterfield for the panel discussion of the ABA Code of Professional Responsibility;

All members of the news media for their coverage of this convention;

The Harrison-Hancock Counties Legal Secretaries Association for providing complimentary secretarial assistance;

Gilsbar, Inc., and Hester & Hester Agency for hosting the Wednesday Reception;

The Trust Department of the Deposit Guaranty National Bank for hosting the President's Reception on Friday Night;

The Sperry and Hutchinson Company for staging the Ladies' Style Show;

Day Detectives, Inc., for providing security services;

The City of Biloxi, the Harrison County Bar Association and the management and staff of the Broadwater Beach Hotel for their cooperation in planning and providing for our comfort, convenience and pleasure;

All our guests whose presence added so much to the enjoyment of our convention.

BE IT FURTHER RESOLVED that our Executive Director forward copies of this Resolution to all appropriate persons and that a copy be spread on the permanent records of the Mississippi State Bar.

WHEREAS, the cooperation of all the advertising media is necessary to bring the full message of Law Day to all citizens of Mississippi; and

WHEREAS, such cooperation was prominent in the 1970 Law Day USA program;

THEREFORE, BE IT RESOLVED that the Mississippi State Bar expresses its appreciation to:

The members of the Outdoor Advertising Association of Mississippi for providing one hundred twenty (120) highway billboards for this year's Law Day message;

The members of the Mississippi Broadcasters Association for providing public service time on radio and television for Law Day announcements, and their invaluable assistance in the production of the Law Day film;

And the members of the Mississippi Press Association for news articles and editorials on the Law Day theme.

B. Resolutions of Junior Bar Section

We have recommended the amendment of the By-Laws, Article One, Section One, to read as follows:

> Section One. Name. This organization shall be a section of the Mississippi State Bar and its name shall be the Young Lawyers Section, hereinafter referred to as 'Section.'
>
> Article Three, Section One.
>
> Section One. Composition. The Board of Directors shall be composed of nine elected members, three of whom shall be elected from each Supreme Court District in the State of Mississippi. The President, the President-Elect, the Secretary, the immediate Past President of the Section, and one representative of each local Young Lawyers Section which is affiliated with the Young Lawyers Section of the American Bar Association shall also be a member of the Board.

WHEREAS, a high degree of competence and professional skill is required of persons licensed to practice law; and

WHEREAS, the citizens of our state are entitled to expect and receive the most capable and professional representation which our licensing procedures can provide; and

WHEREAS, the prestige and reputation of the Mississippi State Bar and its members will be materially enhanced by a requirement that all persons permitted to sit for examination—for the bar examination—and all persons licensed to practice law in Mississippi be graduates of established law schools; and

WHEREAS, the Young Lawyers Section of the Mississippi State Bar believes the preceptorship program is an inappropriate and outmoded method of preparing attorneys for the practice of law; and

WHEREAS, the Young Lawyers Section of the Mississippi State Bar believes that the preceptorship program should be abolished; and

WHEREAS, the legislation has been introduced by the Mississippi Legislature but not acted upon whereby the preceptorship program would be abolished; and

WHEREAS, application to study under the preceptorship program must first be approved by the Board of Examiners of the Mississippi State Bar;

NOW, THEREFORE, BE IT RESOLVED, that the Young Lawyers Section of

the Mississippi State Bar goes on record as supporting the abolition of the preceptorship program as a means of becoming qualified to sit for the bar examination.

BE IT FURTHER RESOLVED that the Board of Bar Examiners for the Mississippi State Bar be urged to withhold approval of any application to study law under the preceptorship program, pending action by the Mississippi Legislature on a bill which proposed abolition of the program.

BE IT FURTHER RESOLVED that the Secretary of the Mississippi Young Lawyers Section be directed to send copies of this resolution to all of the officers and commissioners of the Mississippi State Bar and the members of the Board of Bar Examiners.

WHEREAS, the Young Lawyers Section of the Mississippi State Bar is concerned and interested in adequate representation of the indigent defendant in all criminal matters; and

WHEREAS, legislation has been introduced in the Mississippi Legislature to provide for the creation of the office of public defender in each judicial district, or for increased compensation for counsel appointed by the Court to represent the indigent criminal defendant; and

WHEREAS, the Young Lawyers Section of the Mississippi State Bar is of the opinion that some form of legislation is necessary which would provide a more comprehensive defense for the indigent defendant;

NOW, THEREFORE, BE IT RESOLVED that the Young Lawyers Section of the Mississippi State Bar recommends that the Legislature of the State of Mississippi enact legislation creating the office of public defender or provide increased compensation for court appointed counsel for indigent criminal defendants, and the Young Lawyers Section further recommends to the Legislature of the State of Mississippi that said legislation be enacted during the regular legislative session of 1971.

BE IT RESOLVED, that it is necessary to establish and maintain a nationwide program of voluntary specialization in the various fields and specialties of the practice of law, and the American Bar Association is the one national organization of attorneys of sufficient strength to aid in the development and control of legal specialization with practical standards to encourage flexible and reasonable control of development in the regulation of specialization on a state by state and specialty by specialty basis, and any nationwide program of legal specialization should be actually administered by the State Boards of Legal Specialization in accordance with national standards to be prescribed by the American Bar Association, and this organization does hereby recommend to the Mississippi State Bar Association that the American Bar Association develop and establish a nationwide program of legal specialization to be administered by State Boards of Legal Specialization in accordance with national standards for specialties and competence of specialists within the various fields. This organization does hereby further recommend that the Mississippi State Bar Association lend its assistance and support to the accomplishment of the purposes of this resolution.

WHEREAS, the laws of the State of Mississippi provide that oral depositions can

only be taken in specific instances thereby requiring an agreement of all parites for the general taking of depositions of parties, witnesses and others; and

WHEREAS, most other jurisdictions generously allow for the taking of practically unlimited depositions upon proper notice; and

WHEREAS, such unrestricted procedure of deposing parties, witnesses and others is desired and needed in this jurisdiction;

NOW, THEREFORE, BE IT RESOLVED that the Young Lawyers Section of the Mississippi State Bar go on record supporting and recommending the passage at the next regular legislative session of the proper legislation to permit the oral deposition of witnesses, parties and others upon notice.

WHEREAS, there have been many injustices and inequities in the administration of the present law in relation to the admission, detention and treatment of persons suffering from mental illness and mental retardation; and

WHEREAS, the Young Lawyers Section of the Mississippi State Bar has recognized that the organized Bar has a responsibility to promote the enactment of appropriate laws to protect the rights of those citizens suffering from mental illness and mental retardation, as well as to assure prompt and effective treatment of such persons; and

WHEREAS, a Committee was appointed by said Young Lawyers Section to study the present laws and possible revision thereof, and such Committee has concluded that the laws in relation to the admission, retention and treatment of persons who are in need of mental treatment, or who are mentally retarded, are in need of revision, and such Committee has prepared and endorsed a bill being attached hereto as an exhibit to this resolution; and

WHEREAS, the attached bill is worthy of endorsement of the Board of the Young Lawyers Section and should be recommended for enactment to the Mississippi State Bar and members of the legislature.

IT IS, THEREFORE, RESOLVED that the attached bill with the revision of the laws relating to admission, detention and treatment of persons suffering from mental illness and mental retardation be and it is hereby recommended by the membership of this organization for enactment by the Mississippi Legislature at its next session. That the attached bill be recommended to the Mississippi State Bar Association for its approval and endorsement with the request that such Mississippi State Bar use its influence to gain enactment in the Legislature.

APPENDIX II

DIRECTORY
MISSISSIPPI STATE BAR
AUGUST 1970

ABERDEEN
Richard B. Booth
Harrison Bldg.
Claude A. Chamberlin
P. O. Box 72
Judge Allen Cox
David Winston Houston
P. O. Box 72
D. W. Houston, Jr.
Watkins Bldg.
Michael Davis Jonas
P. O. Drawer E
John E. Johnson
P. O. Box 190
David B. King
P. O. Box 170
Armond D. Lee, Jr.
P. O. Box 170
Robert D. Patterson
P. O. Box 170
Ralph E. Pogue
Judge L. T. Senter, Jr.
Johnny N. Tackett
P. O. Box 183
William S. Turner
P. O. Box 386

ACKERMAN
Jack B. Carlisle
P. O. Box 181
Judge J. P. Coleman
P. O. Box K
Thomas Allen Coleman
P. O. Box 268
James Dennis Dobbs
P. O. Box 327
Thomas Henry Roden
5th Circuit Court

AMORY
Billy James Funderburk
N. Main St.
J. O. Prude, III
P. O. Box 124
Jack N. Thomas
P. O. Box 267
Judge Fred P. Wright

ASHLAND
Anthony T. Farese
P. O. Box 135
John B. Farese
P. O. Box 125
Peggy Anita Jones
P. O. Box 125
William G. Kemp
P. O. Box 121
L. Hamer McKenzie
P. O. Box 121

AVALON
Virgil G. Cook

BALDWYN
W. H. Cox
P. O. Box 353
M. Paul Haynes
M. Paul Haynes, Jr.
P. O. Box 278

BATESVILLE
Morris Collins Bailey
P. O. Box 568
Dennis M. Baker
210 Broadway
Robert H. Broome
210 Broadway
William J. Clayton
210 Broadway
Charles C. Finch
P. O. Drawer 568
D. R. Johnson
P. O. Box 288
Mose E. Kincaid
113 Wood Street
Robert T. Riser
Ben Barrett Smith
Batesville Security
Bk. Bldg.
Daniel Briggs Smith, Jr.
P. O. Drawer 568
Ted Lucas Smith
P. O. Drawer 568
Arnold R. Smythe
Ralph O. White
P. O. Box 271

BAY ST. LOUIS
Joseph H. Benvenutti
144 Main St.
Evelyn Hunt Conner
P. O. Box 281
Sam Leroy Favre
P. O. Drawer 71
William M. Frisbie
P. O. Box 406
Gerald C. Gex
Merchants Bank Bldg.
Joseph W. Gex
Lucien M. Gex
Merchants Bank Bldg.
J. R. Griffin
P. O. Drawer 71
Michael D. Haas
P. O. Box 304
Nicholas M. Haas
P. O. Drawer UU
Edward I. Jones
P. O. Box 15
Cornelius Joseph Ladner
P. O. Box 412
George H. Lipscomb, Jr.
P. O. Box 121
Walter J. Phillips
Merchants Bank Bldg.
Judge Dan M. Russell, Jr.
P. O. Box 253
W. Harrison Alexander
Reuben Kidd Houston, Jr.
P. O. Box 374
Judge Joe A. McFarland, Jr.
Circuit Court
Robert H. McFarland
O. M. Oates, Jr.
P. O. Box 25
Roy L. Osborne
Thomas G. Roberts
P. O. Box 521

BAY SPRINGS
J. E. Ulmer, Jr.
P. O. Box 1

BELMONT

L. P. Allen
P. O. Box 220

BELZONI

James T. Bridges
P. O. Box 322
V. B. Montgomery
P. O. Drawer 634
Paul B. Murphy
P. O. Box 662
Irby Turner, Jr.
P. O. Box 447
Hugh R. Varnado
P. O. Drawer 634
Lucian R. Wadlington
P. O. Box 355
W. D. Womack, Jr.
P. O. Box 217
Arthur Eugene Wood
84 Church St.

BENOIT

Lloyd E. Hogue

BENTON

Edwin T. Neilson
Rt. 2

BEULAH

Dixon Dossett

BILOXI

Robert M. Acevedo
P. O. Box 506
Byron A. Adams
2416 Wilkes Ave.
Gerald Blessey
Suite 224 Barq Bldg.
Luther R. Boyd
130 W. Water St.
Billy F. Brown
209 Rich Ave.
Amy Burkett
Rt. 3, Box 353
Fred G. Cody
450 Renoir St.
L. C. Corban, Jr.
P. O. Box Q
William L. Denton
450 Renoir St.
Frederick L. Donahower
134 Lameuse St.
Donald E. Dore
Edgewater Plaza
Shopping City
Wilson J. Foster, Jr.
1335 Lafayette St.
Leslie B. Grant
20 B Edgewater
Garden Apt.
Daniel D. Guice
P. O. Box 153
Jacob D. Guice
P. O. Box 153
W. L. Guice
P. O. Box 153
Peter Halat, Jr.
P. O. Box 1079
Joe Ben Hawkins
P. O. Drawer MM
Louis Hengen
RM 217 Barq Bldg.
Clare Sekul Hornsby
P. O. Box 548
Albert S. Johnston, Jr.
P. O. Box 214
Albert Sidney Johnston, III
P. O. Box 214
Arnaud O. Lopez
202 Barq Bldg.
James S. Love
Hotel Buena Vista
Frederick J. Mannino
P. O. Box 241
Nick A. Mavar, Jr.
1214 West Beach
Howard McDonnell
Barq Bldg.
Newton Kelly McKoin
P. O. Drawer MM
Judge Walter L.
Nixon, Jr.
P. O. Drawer A
Lyle M. Page
P. O. Box 222
Ronald Peresich
P. O. Box 222
Carl B. Prestin
266 Brady Dr.
Charles K. Pringle
P. O. Box 292
Victor B. Pringle
P. O. Box 292
Jules A. Schwan
P. O. Box 272
John Sekul
203 Barq Bldg.
Lawrence Semski
P. O. Box 506
Sanford R. Steckler
P. O. Box 486
William Wyatt Sumrall
113 Miramar Ave.
Paul R. Tarbutton
239 Langley Dr.
Charles L. Todaro
1136 W. Howard Ave.
E. C. Tonsmeire, Jr.
P. O. Box 241
Edward George Tremmel
P. O. Box 272
Kosta N. Vlahos
P. O. Box 36
Walter J. Wadlington
P. O. Box 2
Edmund J. Walker
Rt. 3, Box 97
Thomas L. Wallace
505 Lameuse St.
Alonzo S. Westbrook
175 Oak Grove Place
Thomas J. Wiltz
P. O. Box 302
Thelma S. Zimmer
P. O. Box 67

BOONEVILLE

Clarence Chase
Schultz Bldg.
Floyd W. Cunningham
P. O. Box 146
James A. Cunningham, Sr.
P. O. Box 146
Jack M. Dubard
P. O. Box 225
Ellis W. Finch
P. O. Box 46
Donald Franks
Eugene B. Gifford, Jr.
P. O. Box 254
James N. Godwin
P. O. Box 687
Thomas Douglas
Keenum, Sr.
P. O. Box 267

Joe Ray Langston
College St.
Edgar Watson Massey
P. O. Box 421
Charles S. Vail
P. O. Box 447
E. K. Windham

BRANDON

David B. Clark
Bullock Bldg.
Jerry T. Johnston
North Timber St.
George Dan Martin
P. O. Box 9
Marcus E. Martin
P. O. Box 8
W. E. McIntyre
W. E. McIntyre, Jr.
John C. McLaurin
P. O. Box 25
Robert S. McLaurin, Jr.
112 High St.
David Lewis Morrow
P. O. Box 168
James Anthony
Morrow, Jr.
J. C. Murray
Rankin County Bank
Joe H. Sanderson
P. O. Box 151
J. David Williams
P. O. Box 267

BROOKHAVEN

Emmette P. Allen
P. O. Box 828
Burce H. Brady
P. O. Box 548
Tullius Grady
P. O. Box 115
Charles Emmette Brennan
P. O. Box 9
Judge Michael L. Carr, Jr.
P. O. Box 52
Rudolph Davis
228 South First St.
James W. Elliott, Jr.
P. O. Box 774
George H. Gulley, Jr.
P. O. Box 317
H. W. Hobbs
P. O. Box 356
Henry W. Hobbs, Jr.
P. O. Box 356
Robert E. Jones
220 S. First St.
Jerrald L. Nations
P. O. Box 867
J. F. Noble, Sr.
P. O. Box 4
William B. O'Neal
P. O. Box 242
Donald B. Patterson
220 S. First St.
Ralph L. Peeples
P. O. Box 202
R. Pearce Phillips
P. O. Box 786
Owen Roberts
P. O. Box 677
Richard E. Stratton, III
111 East Cherokee St.
Terry S. Swalm
Swalm Bldg.

BRUCE

Charles W. Cook
Ottis B. Crocker, Jr.
P. O. Box 207
C. R. Easley
Yancy & Gibson
Billy R. Gibson
P. O. Box 425
Jesse Lee Yancy, Jr.
P. O. Box 425

CALHOUN CITY

George Mitchell Swindoll
Judge W. W. Brown
P. O. Box 75
Henry L. Lackey
P. O. Box Y
Paul M. Moore
P. O. Drawer 230

CAMDEN

Edgar Lee Walker

CANTON

James A. Butchart
P. O. Box 382
James M. Cain
Rt. 2, Box 105
S. R. Cain, Jr.
P. O. Box 286
W. S. Cain
P. O. Box 286
George Milton Case
114 West Center St.
Nelson R. Cauthen
John W. Christopher
Heroman Dean
Sim C. Dulaney, Jr.
Rt. 3, Box 34 B
H. Nolen Fancher
P. O. Box 245
Joe R. Fancher, Jr.
P. O. Box 245
Robert Louis Goza, Jr.
114 West Center St.
J. M. Greaves
P. O. Box 128
Chancellor G. B. Herring
11th District
James H. Herring
P. O. Box 344
Josephine Hood
S. T. Lloyd, Jr.
312 S. Liberty St.
Ray H. Montgomery
324 Shady Lane
Robert Montgomery
114 West Center St.
Judge Percy F. Parker
Madison County Court
Robert H. Powell, Jr.
P. O. Box 245
L. C. Spivey, Jr.
P. O. Box 8
William H. Sutherland, Jr.
102½ N. Liberty St.
J. Collins Wohner

CARTHAGE

James Roberts Allen
P. O. Box 387
Joe P. Barnett
P. O. Box 48
Judge O. H. Barnett
Circuit Court
Robert Norman Brooks
P. O. Box 48
Vernon R. Cotten
205 Main St.
Harold W. Davidson
J. O. Hollis
P. O. Box 305

James G. McLemore, Jr.
P. O. Box 387
Bonnie Mills
209 N. Van Buren St.
J. E. Smith
P. O. Box 387
A. M. Warwick
P. O. Box 207
A. R. Wright, Jr.
P. O. Box 406

CHARLESTON

Andrew C. Baker
P. O. Box 190
James A. Blount
Hughes Bldg.
George P. Cossar
Cossar Bldg.
George P. Cossar, Jr.
Cossar Bldg.
Joseph L. Tennyson
P. O. Box 190
Albert D. Whitten
P. O. Box 28

CLARKSDALE

William R. Bradley
101-105 Stevens Bldg.
C. Willis Connell, Jr.
Bank of Clarksdale
Edward P. Connell
P. O. Box 368
Martin Douglas Cook
P. O. Box 786
John W. Crisler
P. O. Box 1116
Chester Harris Curtis
Bank of Clarksdale
Jack F. Dunbar
Stevens Bldg.
George M. Fleming
P. O. Box 368
L. Alex Gilliam, Jr.
P. O. Box 100
Wayne S. Harris
Coahoma Natl. Bk. Bldg.
Pascal D. Holcomb
P. O. Box 368
Joseph W. Hopkins
Stevens Bldg.
David R. Hunt
123 Court St.
Ogwen L. King
232 Leflore Ave.
Stovall Lowrey
P. O. Box 662
I. Semmes Luckett
121 Yazoo Ave.
William O. Luckett
P. O. Box 306
Lawrence M. Magdovitz
P. O. Box 997
Sidney A. May
P. O. Box 237
G. F. Maynard, Jr.
P. O. Box 488
William H. Maynard
P. O. Drawer 488
Ralph G. Metcalf
P. O. Box 641
Leighton S. Miller
P. O. Box 787
Doyle Benton Moorhead
419 W. Second
G. Rives Neblett
P. O. Box 368
Thomas H. Pearson
P. O. Box 912
Leon L. Porter, Jr.
P. O. Box 431
Judge Greek P. Rice
Coahoma County
Shed Hill Roberson
121 Yazoo Ave.
Harvey T. Ross
P. O. Box 22
Tom T. Ross
P. O. Box 339
Lester M. Sack
P. O. Box 626
Allan D. Shackelford
P. O. Box 306
Philip A. Sherman
645 Catalpa St.
Elzy J. Smith, Jr.
Suite 222-226 Stevens Bldg.
Charles L. Sullivan
P. O. Box 1196
Larry A. Thompson
523 Catalpa St.
Robert W. Wood
647 Cherry St.
Howard G. Woodward
P. O. Box 876

CLEVELAND

William B. Alexander, Jr.
112 N. Pearman St.
Judge William H. Bizzell
P. O. Box 117
Ancil L. Cox, Jr.
116 S. Court St.
C. H. Crump
Joseph C. Feduccia
112 N. Pearman Ave.
Judge Ed H. Green
Circuit Court
Lonnie E. Griffith
P. O. Box 151
John L. Hatcher
P. O. Box 151
Joseph M. Howorth
P. O. Box 627
Lucy S. Howorth
P. O. Box 627
Gerald H. Jacks
P. O. Box 1031
Robert E. Jackson
Charles C. Jacobs, Jr.
P. O. Box 151
Robert G. Johnston
112 North Pearman Ave.
Alfred A. Levingston
P. O. Drawer 728
C. Arthur McIntosh
P. O. Box 151
Lawrence Y. Mellen
P. O. Box 159
Judge Ben F. Mitchel
County Judge
Donald L. Moak
Delta State College
Dana C. Moore, Jr.
116 S. Court St.
W. E. O'Hare
P. O. Box 630
William Allen Pepper, Jr.
Smith & O'Hare
Abe D. Somerville
P. O. Box 387
A. B. Sparkman
James Irving Tims
P. O. Box 700

Carmon E. Valentine
205 South Court St.
John White Valentine
205 South Court St.
James H. Walker
P. O. Box 966
Arthur C. Whittemore
609 John Dr.
Frank O. Wynne, Jr.
Commerce Bldg.

CLINTON

Catherine L. Barter
1212 Rockingham
Jack C. Boyles
137 Murial Dr.
James V. Carr
P. O. Box 114
Herbert D. Farrell
1002 Laurewood Dr.
N. Shelton Hand, Jr.
Miss. College
William H. Hewitt
800 East Leake St.
John L. Kennedy
1210 Manchester
Ewell McDonald, Jr.
P. O. Box 264
Frank Wilson McLendon
101 Mt. Salus Dr.
Percy Howard Parkman
P. O. Box 224
George Dudley Pearce
1401 Post Rd.
William R. Phillips
101 Sunset Dr.
John H. Rogers
1007 Tanglewood Dr.
George B. Taylor
716 Bellvue St.
Robert P. White, Jr.
805 East Leake St.
Gladstone E. Williams
P. O. Box 172

COAHOMA

M. M. Butler
Rt. 1

COFFEEVILLE

Jack Terry Peeples
P. O. Box 240

COLLINS

William D. Adams
P. O. Box 743
William W. Allred
P. O. Box 521
W. W. Dent
John K. Keyes
Dan A. McIntosh, III
P. O. Box 554
Tommy Bott Rogers
P. O. Box 752
Bonnie Smith
P. O. Box 364

COLUMBIA

Vernon H. Broom
203 Newsom Bldg.
Bernard Callender
310-312 Newsom Bldg.
William C. Callender
P. O. Box 604
Judge Sebe Dale
P. O. Box 603
James Seaborn Dale, Jr.
P. O. Box 603
Maurice Dantin
310 Newsom Bldg.
James R. Davis
P. O. Box 222
Ernest R. Duff
216 Newsom Bldg.
Richard D. Foxworth
216 Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
Thomas D. McNeese
% Broom & Singley
Peggy G. Mullins
P. O. Box 364
Uhl Poole Fornea Patterson
P. O. Box 216
Henry E. Pope
P. O. Box 165
Ben Mounger Rawls
P. O. Drawer 232
Philip Singley
P. O. Box 9
Garland D. Upton
P. O. Box 46

COLUMBUS

William Ellis Bearden
P. O. Box 1032
William G. Burgin, Jr.
516 2nd Ave. N.
Dudley H. Carter
P. O. Box 981
H. T. Carter
521 2nd Ave. N.
Richard Chotard
2106 Blue Cut Rd.
James Albert Dale, III
519 2nd Ave. North
Chester Davis Gaston
Rt. 5, Box 7
Gary L. Geeslin
P. O. Box 1366
Hunter M. Gholson
516 N. 2nd Ave.
John H. Holloman
P. O. Box 1102
James Tyson Graham
P. O. Box 166
Thomas Clower Harvey, Jr.
P. O. Box 602
Dewitt T. Hicks, Jr.
P. O. Box 1094
Robert Harold Jackson, Jr.
429 Springdale
W. Welborn Johnson
P. O. Box 1442
W. H. Jolly
P. O. Box 743
Billy J. Jordan
519 Second Ave. North
Joseph R. Lipscomb
223 6th Street North
Jerome Lee Lohrmann
519 2nd Ave. North
Hal H. H. McClanahan, III
207 5th St. North
James C. Mauldin
Mauldin Furniture
Aubrey Eugene Nichols
510 Second Ave. North
Ben L. Owen
P. O. Box 1001
Jacob C. Pongetti
126 5th St. North
J. O. Sams
514 2nd Ave. North
Joe O. Sams, Jr.
P. O. Box 249
George J. Schweizer
P. O. Box 1017

John F. S. Sims
P. O. Box 648
Taylor B. Smith
P. O. Box 1094
Douglas C. Stone
P. O. Box 166
R. C. Stovall
P. O. Box 591
Robert Clark Stovall
P. O. Box 591
W. J. Threadgill
P. O. Box 1094
Henry K. Van Every
P. O. Box 761
James A. Walters
519 North 2nd Ave.
Robin Weaver
P. O. Box 1003
David J. Whitaker, Jr.
P. O. Box 981

COMO

J. M. Stockton
Rt. 1, Box 57

CORINTH

W. C. Adams
Neal B. Biggers, Jr.
402 Franklin St.
Aubrey Horace Brewer
500½ Filmore St.
David Lee Coleman
P. O. Box 741
James P. Dean
P. O. Box 207
William Peyton Dodson
1500 Thomas St.
Donald Ray Downs
P. O. Box 191
Jimmy Blaine Fisher
1907 Magnolia Circle
James L. Gullett
P. O. Box 668
H. A. Hopper
Chambers Liddon Bldg.
Robert G. Krohn
P. O. Box 549
Joe B. Mitchell
509½ Waldron St.
James E. Price, Jr.
P. O. Box 866
John Curlee Ross, Jr.
P. O. Box 741
William L. Sharp
P. O. Box 844
Rodney F. Simmons
1217 Washington St.
Earl Skelton
P. O. Box 207
Judge Orma R. Smith
U. S. District Court
Orma R. Smith, Jr.
P. O. Box 191
N. S. Sweat
P. O. Box 227
N. S. Sweat, Jr.
P. O. Box 227
W. C. Sweat, Jr.
P. O. Box 128
Charles R. Wilbanks
P. O. Box 801
John Ronald Windsor
1504 Cruise St.
B. F. Worsham
P. O. Box 146
John Richard Young
P. O. Box 408

CRYSTAL SPRINGS

J. Harold Graham, Jr.
P. O. Box 287
James Warren Kitchens
186 N. Jackson St.
Merrimen M. Watkins
P. O. Box 233

DECATUR

James B. Everett
P. O. Box 51
Leo Horan
P. O. Box 367
William H. Johnson, Jr.
P. O. Box 55

DEKALB

J. H. Daws
Helen J. McDade
P. O. Box 112
Louie J. Spinks
P. O. Box 26

DODDSVILLE

Woods Eugene Eastland
P. O. Box 25

DREW

Thomas M. McWilliams
111 S. Main St.
O. M. Marsalis
Pascol J. Townsend, Jr.
105 South Main St.

DURANT

S. R. King
P. O. Box 91
James A. White
P. O. Box 283

EDWARDS

Bobby Leon McHann
P. O. Box 96
Sander Paul Margolis
P. O. Box 375

ELLISVILLE

Mary L. Busch
P. O. Box 266
W. D. Carmichael
P. O. Box 250
Glender Dennis
P. O. Box 426
Cecil G. Johnson
P. O. Box 403
Billy Joe Landrum
P. O. Box 6

EUPORA

W. C. Butler
P. O. Box 86
Thomas E. Childs, Jr.
P. O. Box 450
William T. Denman, III
P. O. Drawer G
W. D. Gary
P. O. Box 577
John Wesley Gary, III
P. O. Box 111
Rolfe L. Hunt, Jr.
P. O. Box 401
W. Buchanan Meek
Edwin Arnold Snyder
P. O. Box 134
Judge R. P. Sugg
Chancellor

FAYETTE

Harry L. Corban
R. L. Corban, Jr.

Carroll J. McLaurin
Ed Davis Noble, Jr.
P. O. Box 428
Richard M. Truly, Jr.
P. O. Box 344
James M. Walker
P. O. Box 36

FLORENCE

Joseph Bruce Garretty
P. O. Box 102
Billie Juhan
P. O. Box 371
James Elliott Williams
Rt. 1, Box 3588

FLORA

J. Frank Evans
P. O. Box 364

FOREST

Jerry Lee Bustin
P. O. Box 719
T. Marx Huff
P. O. Box 87
William A. Huff
P. O. Box 179
Dannye L. Hunter
P. O. Box 336
Oxborn G. Idom
P. O. Box 336
James Walter Lee
P. O. Box 385
Roy Noble Lee
P. O. Box 370
Thomas Arayton Lee
P. O. Box 370
Tom Stewart Lee
P. O. Box 16
Howard B. McCrory, Jr.
P. O. Box 46
Roby L. Stegall
612 Marion Blvd.
William C. Thompson
P. O. Box 147
O. B. Triplett, Jr.
P. O. Box 247
O. B. Triplett, III
P. O. Box 247
William Samuel Weems
711 Raleigh St.

FULTON

T. Victor Bishop
P. O. Box 563
William Herman Camp
Euple Dozier
P. O. Box 284
Percy A. Martin
P. O. Box 491
Nell C. May
P. O. Box 538
Frank Russell
P. O. Box 525
Stacy B. Russell
P. O. Box 525

GAUTIER

William P. Joyer
Hercules Fishing Club

GLOSTER

Fred Alvin Anderson, III
P. O. Box 368
Walker J. Carney, Jr.
P. O. Box 99
J. T. Lowrey
P. O. Box 429

GREENVILLE

George Douglas Abraham
P. O. Box 24
Nathan P. Adams, Jr.
P. O. Box 271
Roy G. Ayles
1327 E. John St.
Edward J. Bogen
P. O. Box 689
Eugene M. Bogen
536 Washington Ave.
Marvin Burchfield
1137 Lourdes St.
Roy D. Campbell
P. O. Box 895
William Darrel Carlson
P. O. Box 1019
Frank Carlton
P. O. Box 442
George L. Cottingham, Jr.
P. O. Box 40
Fountain D. Dawson
P. O. Box 1151
Anse Dees
111 Walnut St.
Fred C. DeLong, Jr.
P. O. Box 895
Howard Dyer
309-10 Weinberg Bldg.
Howard Dyer, III
309-10 Weinberg Bldg.
Guy Kenner Ellis, Jr.
635 Fairview Ave.
Holland O. Felts
214-220 Weinberg Bldg.
L. Carl Hagwood
P. O. Box 895
John R. Hailmal
P. O. Box 190
Edward B. Hill, Jr.
P. O. Box 5613
Frank Watson Hunger
P. O. Box 918
Judge William C. Keady
P. O. Box 190
William C. Keady, Jr.
P. O. Box 895
Judge Ernest Kellner, Jr.
9th District
Martin A. Kilpatrick
P. O. Box 773
Raymond V. Kimble, Jr.
205-08 Weinberg Bldg.
J. A. Lake, Jr.
P. O. Box 918
Phillip Mansour
P. O. Box 773
W. M. McGough
P. O. Box 660
W. L. McIlwain
P. O. Box 558
William E. McLellan
1204 Margaret St.
Horace L. Meredith, Jr.
P. O. Drawer 99
H. A. Miller
P. O. Box 1334
Julian David Orlansky
P. O. Box 1334
S. Ira Pittman, Jr.
405-10 Weinberg Bldg.
Judge Zelma W. Price
P. O. Box 766
Tony P. Provenza
1208 Fairview Ave.
Eugene J. Raphael
Woolworth Bldg.

James Robertshaw
P. O. Box 99
James L. Robertson
P. O. Box 895
Geo. Ramsey Russell
214-220 Weinberg Bldg.
Laurence J. Sievers
P. O. Box 506
George H. Slade
P. O. Box 1214
Earl Solomon
P. O. Box 453
Earl S. Solomon, Jr.
P. O. Box 453
Walter B. Swain, Jr.
P. O. Box 4874
William D. Swain, Jr.
127 Robertshaw St.
Clayton J. Swank, III
217 Bermuda Dr.
John William Tarver
859 S. Washington
Philip Baird Terney
P. O. Box 99
Frank S. Thackston, Jr.
P. O. Box 918
S. B. Thomas
P. O. Box 395
William Thomas, Jr.
211-212 Weinberg Bldg.
W. Scott Thompson
620 McAllister St.
Charles S. Tindall
P. O. Box 918
Charles Sumner Tindall, III
P. O. Box 918
James Marvin Ward
125 Sherwood Dr.
Rodger Downing Wasson
P. O. Box 1093
J. W. Watkins, III
May Bldg.
Judge Burwell B. Wilkes
Circuit Judge
Joseph E. Wroten
P. O. Box 1334
Douglas C. Wynn
P. O. Box 1295

GREENWOOD

Edward J. Antoon
P. O. Box 417
Billy Burton Bowman
P. O. Box 518
Norman C. Brewer
P. O. Box 411
Henry Donald Brock
P. O. Box 941
James W. Burgoon, Jr.
P. O. Box 391
Travis H. Clark, Jr.
P. O. Drawer B
Joseph G. Colson
P. O. Box 364
James Yeayer Dale
405 E. Monroe
Charles Milton Deaton
P. O. Box 411
George H. Dulin
P. O. Drawer 657
William P. Eason
P. O. Box 846
Gray Evans
P. O. Box 411
George A. Everett
P. O. Box 253
John J. Fraiser, Jr.
P. O. Box 391
Arnold F. Gwin
P. O. Box 725
James E. Upshaw
P. O. Box 671
James E. Higginbotham
P. O. Box 366
O. L. Kimbrough
P. O. Box 516
Hardy Lott
P. O. Box 725
R. Cunliffe McBee
P. O. Drawer 657
George Hite McLean
P. O. Box 516
George Hite McLean, Jr.
405 East Adams
Pearl McLellan
P. O. Box 54
W. H. Montjoy
P. O. Box 906
Yerger Morehead
Whittington Bldg.
Frank K. Odom
P. O. Box 674
H. Talbot Odom
P. O. Drawer 1218
Porter W. Peteet
P. O. Box 263
James M. Pierce
P. O. Box 915
Judge Charles Pollard
P. O. Box 393
William H. Roberson
P. O. Box 263
J. Stanny Sanders
P. O. Box 725
Luke J. Schissel
P. O. Drawer 1218
Gordon L. Smith
804 Bell Ave.
Richard L. Smith
P. O. Box 246
Anthony Lavon Thaxton
P. O. Box 146
Seth Wheatley, Jr.
P. O. Box 389
W. M. Whittington, Jr.
P. O. Box 941
Fred Witty
P. O. Box 912

GRENADA

Jim McRae Criss
P. O. Drawer C
Edwin Tharp Cofer
Floyd M. Davis, Jr.
1584 Vance Rd.
William H. Fedric
North Side of
Public Square
Jay Gore, Jr.
P. O. Box 901
John T. Keeton
P. O. Box 666
Lucille T. Latta
P. O. Box 922
William A. Lomax
861 Line
Mitchell M. Lundy
11 Evans Bldg.
Judge Marshall Perry
P. O. Box 444
Leon E. Provine
P. O. Box 99
William O. Semmes
P. O. Box 567
Bryant Jerome Shaw
1176 South Mound St.

Lida B. Shaw
1176 South Mound St.
Samuel J. Waits
P. O. Box 204

GULFPORT

Bidwell Adam
P. O. Drawer BB
Harry Roger Allen
P. O. Box 996
Judge Frank W. Alexander
P. O. Box 986
B. O. Bailey, Jr.
1015 Pass Rd.
Wade Baine
P. O. Box 1834
Dwight Nicholas Ball
33 53rd St.
Robert Barber, Jr.
P. O. Drawer DD
John H. Barnett, Jr.
915 Wanda Place
Thomas Davis Berry, Jr.
1319 24th Ave.
Leonard A. Blackwell, II
P. O. Box 88
Eldon Bolton, Jr.
P. O. Box 100
E. D. Bostrom
P. O. Box 2223
Norman Breland
P. O. Box 1030
Rae Bryant
P. O. Box 10
Pete H. Carruba
P. O. Box 1826
Napoleon LePoint Cassibry, II
P. O. Box 1686
John W. Capers
404 Hewes Bldg.
Roger T. Clark
4003 B Washington Ave.
David Leroy Cobb
P. O. Box 996
Everett E. Cook
P. O. Drawer C
Bruce G. Cornell
Hewes Bldg.
David Cottrell, Jr.
P. O. Drawer H
Billy M. Davis
5102 Quincey Ave.
Jimmy G. Dedeaux
406 Hewes Bldg.
Harold Joseph Demet
P. O. Box 1297
William F. Dukes
P. O. Box 1826
Phil R. Dunnaway
P. O. Drawer C
James S. Eaton
P. O. Drawer H
G. E. Estes, Jr.
P. O. Box 88
William Estopinal
Medical Bldg.
John A. Evans
1317 24th Ave.
Milton Ray Fairchild
1919 15th St.
Mark T. Finch USAF
1101 Beach Ave.
Margaret E. Fisher
609 Woodward Ave.
Jason H. Floyd
P. O. Box 1107
Jason H. Floyd, Jr.
P. O. Box 1107
Cary L. Fondren, Jr.
P. O. Box 141
E. J. Ford, Jr.
201 Hatten Bldg.
Paul M. Franke, Jr.
P. O. Drawer 100
Edward Gaines
2209 14th St.
Charles R. Galloway
P. O. Drawer H
Robert Charles Galloway
P. O. Drawer H
John M. Gardner
1425 24th Ave.
Virgil G. Gillespie
2nd Floor Abstract Bldg.
D. M. Graham, Jr.
P. O. Box 22
Richard B. Graves, II
P. O. Box 1649
P. D. Greaves
Gulf National Bk. Bldg.
Clyde Hurlbert
P. O. Box 541
T. J. Buchanan Heiss
1510 19th Ave.
John F. Hester
Parliament House
Apt. 221
Harry P. Hewes
2nd Floor Abstract Bldg.
Gaston H. Hewes
Hewes Bldg.
William G. Hewes
P. O. Box 454
Viola J. Hilbert
P. O. Box 4043
Forrest E. Holder
22 Poplar Circle
Boyce Holleman
P. O. Drawer 1030
Raymond Hunter
P. O. Box 88
Robert E. Husband
Suite 302,
Gulf South Bldg.
John C. Johnson
1216 22nd St.
Walter R. Johnson
211 Gulf S. Bldg.
Walter Rayford L. Jones
P. O. Drawer 1720
Oscar B. Ladner
P. O. Box 727
Eaton A. Lang, Jr.
P. O. Drawer H
Larry Lee Lenoir
2nd Floor Abstract Bldg.
Edward M. Lindsey
P. O. Box 524
H. Crockett Lindsey
1707 Jones Ave.
Floyd J. Logan
P. O. Box 1268
William E. Logan
309 Hatten Bldg.
Judge Luther W. Maples
26th Ave.
Ernest G. Martin, Jr.
P. O. Box 730
James M. McCarthy
P. O. Box 542
Joseph R. Meadows
P. O. Box 1649
R. B. Meadows
P. O. Box 402

Edward Owen Miller
2606 Kelly Ave.
Robert H. Milner, Jr.
P. O. Box 579
Webb M. Mize
310 Gulf Natl. Bk. Bldg.
Alfred E. Moreton, III
1015 Pass Rd.
John S. Morris
303 Gulf South Bldg.
George E. Morse
P. O. Box 100
Stanford E. Morse, Jr.
P. O. Box 100
Sherman L. Muths, Jr.
P. O. Box 127
Albert Necaise
P. O. Box 1030
Paul M. Newton
2414 Fourteenth St.
H. G. O'Conor
4512 Jefferson Ave.
Edgar L. O'Neill, Jr.
2513 Palmer Dr.
Owen T. Palmer, Jr.
P. O. Box 717
Robert D. Portwood
P. O. Drawer 760
George M. Quin
454 Champin St.
William M. Rainey
P. O. Drawer S
Clayton Rand
The Dixie Press
James Norman Randell, Jr.
P. O. Box 749
Brent A. Richardson
P. O. Box 4051
Donnie D. Riley
P. O. Box 1649
Grover Roberts
P. O. Box 992
Thomas N. Roberts, Jr.
P. O. Drawer Y
George Rosetti, Jr.
P. O. Drawer Y
Scotty R. Rosetti
P. O. Box 1297
Ernest L. Shelton, III
4708 Jefferson Ave.
James Sideris
P. O. Box 819
Donald O. Simmons
P. O. Box 1206
Upton Sisson
1410 24th Ave.
George R. Smith
P. O. Box 177
Lee R. Spence
Trust Dept. Hancock Bldg.
Herbert J. Stelly, Sr.
P. O. Drawer Y
Thomas L. Stennis, II
P. O. Box 10
William L. Stewart
P. O. Box 717
Ben H. Stone
P. O. Drawer H
Thomas B. Sumrall
Hatten Bldg.
Charles T. Sykes, Jr.
1225 Thirty First Ave.
Robert L. Taylor
P. O. Box 730
Jerry O. Terry, Sr.
308 Gulf Natl. Bk. Bldg.
Hollis C. Thompson, Jr.
P. O. Box 580
James David Thompson
4513 Finley St.
R. W. Thompson
300 Gulf Natl. Bk. Bldg.
McRae Turner, Jr.
Miss. Power Co.
Fred Haden Walker
2817 25th Ave.
Judge Harry G. Walker
P. O. Box 1529
Knox W. Walker
408 Hewes Bldg.
Gerald M. Warren
P. O. Box 901
Knox White
P. O. Drawer 100
Neil W. White, Jr.
412 Hewes Bldg.
Marguerite L. Williams
1805 19th Ave.
Jean S. Wilson
4 Lexington Place
Richard L. Yarbrough
P. O. Box 1138
Ralph D. Young
P. O. Drawer 7

GUNTOWN

James W. Bingham
P. O. Box 25

HATTIESBURG

Lawrence D. Arrington
P. O. Box 1292
Robert E. Arrington
P. O. Box 22
Bruce C. Aultman
P. O. Box 750
Dorrance Aultman
P. O. Box 750
James W. Backstrom
P. O. Box 713
B. H. Baker
P. O. Box 801
J. C. Bell
P. O. Box 566
Carl E. Berry, Jr.
112 W. Front St.
M. D. Brett
P. O. Box 189
Robert L. Calhoun
P. O. Box 461
Lester Clark
302 First Federal Bldg.
Judge Harold B. Cubley
P. O. Box 969
Edward J. Currie, Jr.
P. O. Box 2044
George Gibon Currie
P. O. Box 626
George W. Currie
P. O. Box 626
George C. Curry
P. O. Box 1709
T. W. Davis, Jr.
P. O. Box 529
James K. Dukes
P. O. Box 2055
S. Wayne Easterling
P. O. Box 870
James Finch
P. O. Box 1169
Lawrence Y. Foote
P. O. Drawer 1231
Davis T. Fortenberry
Rt. 3, Box 186

Paul E. Grady
P. O. Box 1769
Reginald A. Gray, Jr.
201 Carter Bldg.
Reginald A. Gray, III
611 S. 21st Ave.
John S. Grove
P. O. Box 1024
Wallace R. Gunn
P. O. Drawer 1729
Judge Stanton A. Hall
P. O. Drawer 135
William Haralson
P. O. Drawer 1609
F. C. Hathorn, Jr.
P. O. Box 865
Rowland W. Heidelberg, Jr.
301 W. Pine St.
Paul H. Holmes
P. O. Box 2055
John Roane Howell
518 Rebecca Ave.
Carroll H. Ingram
P. O. Box 24
Robert T. Jackson
P. O. Box 1288
Rex K. Jones
P. O. Box 125
William F. Jones
P. O. Box 95
Karl W. Kepper
702 W. Pine St.
Marie P. Kepper
702 W. Pine St.
Joe R. King
P. O. Box 1207
Raymond L. Laakso
Rt. 4, University Pl.
John Wincie Lee, Jr.
302 First Federal Bldg.
Robert Lawrence Lennon
3rd Floor First Fed. Bldg.
James F. McKenzie
301 W. Pine St.
Richard L. Miller
3002 Prince George Rd.
Frank D. Montague, Jr.
201-04 Carter Bldg.
Alfred Moore
P. O. Box 95
C. M. Morgan, Jr.
P. O. Box 1333
Forrest M. Morris, Jr.
215 E. Front St.
John Alan Morris
P. O. Box 1981
William V. Murry
204 Conner Bldg.
La Fare Murphy
P. O. Box 2044
Larry Norris
501 Carter Bldg.
Mildred W. Norris
P. O. Box 1633
Thomas D. Ott
P. O. Box 1386
Judge Howard L. Patterson
P. O. Box 808
Edwin Lloyd Pittman
204 W. Front St.
Homer Pittman
407 Carter Bldg.
Jack Homer Pittman
407 Carter Bldg.
James C. Pittman
407 Carter Bldg.
Moran M. Pope, Jr.
P. O. Box 750
Thomas J. Riley
P. O. Box 654
M. M. Roberts
P. O. Box 870
Shelby R. Rogers
P. O. Box 109
Donald B. Ruiz
Rt. 2, Box 394-A
Milton A. Schlesinger
304 First Fed. Bldg.
Elliott E. Schlottman
P. O. Box 1902
W. L. Shappley
P. O. Box 6
J. B. Van Slyke, Jr.
P. O. Box 750
Luther A. Smith
P. O. Box 1386
Billy H. Stephens
P. O. Box 1606
Michael David Sullivan
P. O. Box 1568
R. M. Sullivan
P. O. Box 1568
Dan Gary Sutherland
301 W. Pine Bldg.
James H. C. Thomas, Jr.
210 Carter Bldg.
Joe A. Thompson
P. O. Box 348
James K. Travis, Jr.
P. O. Box 590
Leonard D. Van Slyke, Jr.
102 Capitol St.
Jack B. Weldy
P. O. Box 24
Ben M. West
P. O. Box 465
Darl Jene Whitecotton
P. O. Box 2057
William W. Wicht, Jr.
100 Professional Bldg.
Elliott T. Wooten
P. O. Box 133
Francis T. Zachary
P. O. Box 24

HAZLEHURST

S. E. Allen, Jr.
P. O. Box 208
Cecil L. Allred, Jr.
408 Gallatin St.
John T. Armstrong
P. O. Box 190
John T. Armstrong, Jr.
P. O. Box 190
E. R. Arrington
P. O. Box 347
Donald C. Cooley
P. O. Box 388
Harris B. Henley
P. O. Box 509
W. S. Henley
P. O. Box 509
Harry O. Hoffman, Jr.
P. O. Box 190
Carroll Kemp
P. O. Box 226
Julius L. Lotterhos, Jr.
P. O. Box 509
Lena C. Zama
P. O. Box 108

HEIDELBERG

John M. Sims
P. O. Box 412

HERNANDO

William W. Ballard
County Attorney
Dudley Black
Bridgforth, Jr.
% Walker, Franks & Rone
Gerald Wilborn
Chatham, Jr.
53 E. Center St. S.E.
Ross Lee Franks
Boyce Lee Garner
17 Union St.
Harry Randolph Garner
17 Union St.
William F. Hagan, Jr.
P. O. Box 346
Lee Virden Hamberlin
P. O. Box 715
F. C. Holmes, Jr.
Arthur Cinclair May
17 Union St.
George S. McInvale
William L. Rone
Joel P. Walker
Edward Lee Whitten
17 Union St.
W. E. Wilroy
P. O. Box 5
W. E. Wilroy, Jr.
P. O. Box 5
James E. Woods
McInvale Bldg.

HICKORY

W. M. Everett
P. O. Box 115
S. E. McGee

HOLLANDALE

Forrest Durwood Ruegger
P. O. Box 542

HOLLY SPRINGS

Fred M. Belk, Jr.
P. O. Box 66
John W. Bryant, Jr.
Merchant & Farmers
Bank Bldg.
Warren E. Cox
N. Miss. Rural Legal
Services
Robert P. Crutcher
P. O. Box 66
Wall Doxey, Jr.
P. O. Box 667
Lester G. Fant, Jr.
P. O. Box 66
Lester G. Fant, III
Bank of Holly Springs
Bldg.
Sidney L. Hurdle
First State Bk. Bldg.
John L. Kennedy
North Side of Square
D. Rook Moore, III
P. O. Box 446
L. A. Smith, III
P. O. Box 276
William Collins Spencer
P. O. Box 518
Fred E. Swaney
Van Dorn Ave.
George H. Rather

HOUSTON

H. B. Abernethy
Woodrow Wilson Brand, Jr.
P. O. Box 128
Thomas B. Davis
432 S. Jackson St.
John P. Fox
P. O. Box 167
James S. Gore
P. O. Box 367
A. E. Hawkins
P. O. Box 266

INDIANOLA

Richard M. Allen
P. O. Box 688
W. Dean Belk, Jr.
P. O. Box 229
Joe M. Buchanan
P. O. Box 654
Arthur B. Clark
P. O. Box 229
Frank O. Crosthwait, Jr.
100 Court St.
Howard Q. Davis
P. O. Box 229
Howard Q. Davis, Jr.
P. O. Box 229
Aaron M. Edwards
210 Sunflower Ave.
Alex B. Gates
P. O. Box 229
John T. Haltom
P. O. Box 654
Gordon L. Lyon
100 Court St.
J. H. Price
David M. Quinn, Jr.
P. O. Box 172
G. P. Ritchey
P. O. Box 628
Champ T. Terney
100 Court St.

ITTA BENA

Cleveland Davis
P. O. Box 98
Robert Leon Mangum
Rt. 2
Perry W. Morton
P. O. Box 82

ISOLA

John Walter Garrard
P. O. Box 173

IUKA

J. O. Clark
Elm Shopping Center N.
Richard O. Clark
Elm Shopping Center N.
James Barry Finch
P. O. Box 335
J. D. Finch
William Carr Lowrance
Rt. 4
Cecil L. Sumners
311 S. Fulton St.

JACKSON

Lynn D. Abernethy, Jr.
6561 Richwood Dr.
Thomas G. Abernethy, Jr.
5811 Kings Place
James Milton Abram
121. N. Farish St.
Lee B. Agnew, Sr.
418 Yazoo St.
L. M. Adams
5025 Wayneland Dr.,
Apt. C-4
Lee Bryant Agnew, Jr.
5573 Hartsdale Dr.
John E. Aldridge
P. O. Box 1699

Chalmers W. Alexander
P. O. Box 291
James Alexander, Jr.
P. O. Box 410
Julian P. Alexander
1040 Milner Bldg.
Paul G. Alexander
P. O. Box 807
William A. Allain
P. O. Box 220
James E. Allen
P. O. Box 1200
Leigh B. Allen, III
P. O. Box 119
Sam S. Allred
218 S. President St.
Alex Alston
P. O. Drawer 1532
Lester Alvis, Jr.
P. O. Box 1507
Daniel Thomas Anderson
P. O. Box 263
Reuben Vincent Anderson
1206 Dewey St.
Carl F. Andre
4445 Audubon Park Dr.
Lloyd Arnold
P. O. Box 22622
George M. Arthur
5705 Ridgewood Rd.
B. Galloway Austin
518 E. Pascagoula St.
William A. Bacon
P. O. Box 15
James T. Baggett
5655 Clinton Blvd.
Oliver Ray Bailey, Jr.
5347 Keele St.
Emily V. Baker
P. O. Box 1345
Maston Leland Ballew, III
949 Morningside Terrace
Fred Lee Banks, Jr.
538½ N. Farish St.
Taunya Marita Banks
2361 Montebella Dr.
Judge Charles T. Barber
County Court House
Frank Barber
1504 State Office Bldg.
Harold J. Barkley, Jr.
P. O. Box 1631
Henry E. Barksdale
P. O. Box 2337
James A. Barnett
P. O. Box 2442
Rober G. Barnett
P. O. Box 1200
Ross R. Barnett
P. O. Box 1288
Ross R. Barnett, Jr.
P. O. Box 1288
John Edward Bat
575 Woodward Ave.
Stephen L. Beach, Jr.
P. O. Box 663
Stephen L. Beach, III
P. O. Box 663
Loyd Lamar Beacham, Jr.
822 Plaza Bldg.
Bobby Ray Beatty
P. O. Box 1127
James A. Becker, Jr.
P. O. Box 650
Thomas A. Bell
P. O. Box 1084
J. A. Bellan, Jr.
P. O. Box 2599
Marshall G. Bennett
282 Sun Dr.
Richard Thomas Bennett
P. O. Box 326
Walter Berry
P. O. Box 1199
Robert A. Biggs, Jr.
P. O. Box 1370
Herbert Wingfield Biggs
5455 Kaywood
Louis S. Bills, Jr.
P. O. Box 622
Richard A. Billups, Jr.
P. O. Box 1056
Alvin Binder
P. O. Box 25
Samuel E. Birdsong, Jr.
4047 Pine Hill Dr.
Melvin B. Bishop
512 E. Pearl St.
Walter R. Bivins
235 Cooper Rd.
D. Carl Black, Jr.
P. O. Box 22567
Maurice Black
P. O. Box 220
William P. Black
5939 Baxter Dr.
Jack W. Blasingame
704 Forrest Ave.
Jerry Holmes Blount
512 E. Pearl St.
Grover L. Boone
4660 Meadowridge Dr.
Singleton Smith Bonner
P. O. Box 528
James A. Boone
P. O. Box 2182
Carl C. Bostic
200 S. President
Francis S. Bowling
425 Tombigbee St.
Hartwell Bowling
P. O. Box 78
Richard C. Bradley
406 Rollingwood Dr.
Joe Alister Brady, Jr.
530 Pennsylvania Ave.
Judge Tom P. Brady
New Capitol
Jack W. Brand
P. O. Box 22489
Bill Claud Breazeale
4330 Liberty Hill Rd.
Dan E. Breland
P. O. Box 765
Charles A. Brewer
P. O. Box 1631
Thomas J. Brewer, Jr.
P. O. Box 5602
Billy G. Bridges
P. O. Box 5767
Craig Brigsten
P. O. Box 1242
Kenneth M. Britt
1829 Dep. Gty. Bk.
Bldg.
Charles L. Brocato
P. O. Box 22
Gordon Broom
753 Woodlake Dr.
Harmon W. Broom
P. O. Box 1275
R. H. Broome
P. O. Box 5915
Joseph E. Brown, Jr.
P. O. Box 2091

J. T. Brown
P. O. Box 291
R. Jess Brown
125½ N. Farish St.
William Howard Brown, Jr.
690 First Natl. Bk. Bldg.
W. F. Browning, Jr.
4730 Shadow Wood Dr.
Douglas H. Brumfield
165 Carmel Ave.
E. L. Brunini
P. O. Box 119
Edmund Lawrence Brunini, Jr.
P. O. Box 119
Henry Warren Bryan
P. O. Box 743
Clifton E. Bryant
4250 Athens Dr.
Noel W. Buckley
1251 First Ave.
Cary E. Bufkin
P. O. Box 1172
James D. Buford
P. O. Box 1172
Donald V. Burch
216 Ellis Ave.
Delos H. Burks
New Capitol
Robert Burns
P. O. Box 131
Jack C. Burrell
P. O. Box 78
Charles W. Busby
126 S. President St.
William A. Busby
418 Yazoo St.
Charles C. Bush
1602 Standard Life Bldg.
George H. Butler
P. O. Box 22567
Joseph B. Cadwallader
245 Sykes Rd.
T. Eugene Caldwell
P. O. Box 1704
James E. Caldwell
1230 St. Ann St.
K. Hayes Callicutt
P. O. Box 1172
Robert C. Cannada
P. O. Box 22567
Natie P. Caraway
P. O. Box 2337
Taylor Carlisle
756 E. Northside Dr.
Geraldine Harrington Carnes
603 N. Farish St.
Robert M. Carpenter
Dept. Gty. Natl. Bk.
Lyle Carroll
P. O. Box 1136
Charles A. Carter
P. O. Box 2216
William O. Carter, Jr.
P. O. Box 651
Craig Castle
P. O. Box 566
Edward L. Cates
P. O. Box 2005
Reynolds Cheney
P. O. Box 1666
James K. Child, Jr.
P. O. Box 651
W. M. Childress
P. O. Box 12
Bernard W. Chill
P. O. Drawer 2427
Clifford C. Chittim
P. O. Box 427
Anson Bob Chunn
2419 Nottingham Rd.
Judge Charles Clark
U. S. Court House
Grover C. Clark
140 W. Pearl St.
Hollis M. Clark
135 Sivley Ave.
John B. Clark
211 Sun Dr.
Neal Clement
1411-13 Standard Life Bldg.
James L. Clemons
1105 Garden Park Dr.
John W. Coalter
325 Sun Dr.
William Thad Cochran
P. O. Box 650
J. W. Cocke
1339 Dep. Gty. Bk. Bldg.
John V. Cockrell
1816 St. Ann St.
Marvin A. Cohen
P. O. Box 427
Curtis E. Coker
P. O. Box 1084
Walter D. Coleman
1330 N. State St.
William Dewitt Coleman
828 Briarfield Rd.
William F. Coleman
425 Tombigbee
Aline J. Collum
416 Plaza Bldg.
James Ousley Conner
821 Madison
Henry D. Cook
1216 Raymond Rd.
Fred L. Cooper
439 Boehle St.
Robert F. Cooper, Jr.
1335 Linden Place
James P. Cothren
425 Tombigbee St.
John R. Countiss, III
P. O. Box 241
Hansell August Courtney
1239 Dep. Gty. Bk. Bldg.
Bobby Louis Covington
P. O. Drawer 2428
Tom Coward, Jr.
220 S. President St.
Frederick G. Cox, Jr.
P. O. Box 4311
Justin Lamar Cox
P. O. Box 22489
Judge William Harold Cox
P. O. Box 2447
William Harold Cox, Jr.
1741 Dep. Gty. Bk. Bldg.
Merrida Powell Coxwell
P. O. Box 10332
John A. Crawford
P. O. Box 22567
Robert Adkins Crawford
927 Cooper Rd.
James Hiram Creekmore
628 Electric Bldg.
Rufus Creekmore
822-25 Plaza Bldg.
Wade H. Creekmore, Jr.
628 Electric Bldg.
Wade H. Creekmore
1000 Plaza Bldg.

Thomas R. Crews
P. O. Box 410
Alfred N. Crisler
431 Tombigbee Ct. Sq.
Bert Crisler
813 Dep. Gty. Bk. Bldg.
Charles W. Crisler, Jr.
431 Tombigbee Ct. Sq.
James Walter Crisler
3605 Old Canton Rd.
Tom Crockett
P. O. Box 22628
Earl R. Cruthirds
4580 Old Canton Rd.
E. Hugh Cunningham, Jr.
P. O. Box 1288
Arthur Dale Currie
805 Dep. Gty. Bk. Bldg.
James Yeager Dale
720 Gillespie St.
Joe H. Daniel
P. O. Box 1084
Dale Banks, Jr.
623 Bankers Trust
Plaza Bldg.
R. A. Darden
3438 Old Canton Rd.
Thomas Edwin Davidson
P. O. Box 663
Charles R. Davis
P. O. Drawer 1532
Jack Roy Davis
218 S. President St.
James L. Davis
110 Poinciana Dr.
Joe Sanford Deaton
4243 Meadowland Dr.
Joe Dehmer, Jr.
P. O. Box 291
Henry Lee Denton, Jr.
5372 Jamaica Dr.
Albert Dickens, Jr.
300 Church Svgs. Bldg.
R. R. Dinsmore
4096 Redwing Ave.
J. Hubern Dodd
212 Barnett Bldg.
Billy Dogette
5737 Brownlee Dr.
Warren C. Dorsey, Jr.
Dep. Gty. Bk. Bldg.
Richard W. Dortch
P. O. Box 119
James K. Dossett
1801 Dep. Gty. Bk. Bldg.
James K. Dossett, Jr.
1801 Dep. Gty. Bk. Bldg.
Angelo John Dorizas
2002 Robinson St.
John H. Downey
611 Barnett Bldg.
Colbert Dudley
2329 Oakhurst Dr.
Vardaman S. Dunn
1741 Dep. Gty. Bk. Bldg.
Bradford J. Dye, Jr.
1948 Cherokee Dr.
Douglas R. Duke
P. O. Box 1172
P. H. Eager, Jr.
P. O. Box 650
Al D. Eatmon
309 First Fed. Svgs. Bldg.
Barney Edward Eaton, III
P. O. Box 2448
Grady Jyles Eaves
E. Amite St. Plaza Bldg.
John Arthur Eaves
Plaza Bldg.
Richard Mack Edmonson
P. O. Box 326
Allan T. Edwards
707 Plaza Bldg.
E. Ray Edwards
1250 Petroleum Bldg.
William E. Ellington
P. O. Box 504
Joseph B. Ellioitt
P. O. Box 22527
J. L. Enochs
1035 Fst. Natl. Bk. Bldg.
Lura Clark Ethridge
P. O. Box 119
Judge W. N. Ethridge, Jr.
New Capitol Bldg.
Clyde V. Eubanks
P. O. Box 10087
Don Evans
P. O. Box 1695
George Q. Evans
P. O. Box 651
William D. Evans
202½ W. Capitol
R. D. Everett
507 N. Park Dr.
Jack H. Ewing
P. O. Box 330
Michael P. Fedorak, Sr.
1500 E. Woodrow Wilson
Ave.
Bethel Ferguson
Miss. Power & Light
Douglas Mims Ferris
1111 St. Ann
Robert D. Findley
P. O. Box 743
Grey Flowers
P. O. Box 2022
Henry G. Flowers
P. O. Box 609
W. B. Fontaine
1623 Dep. Gty. Bk. Bldg.
Harry Lanier Beach Foote
2944 Terry Rd.
Aaron L. Ford
609 Plaza Bldg.
Cecil A. Ford
690 Fst. Natl. Bk. Bldg.
Dennis M. Ford
P. O. Box 1775
Victor John Ford
129 Pasa Robles
Hugh Craig Forshner
604 Magnolia State Bldg.
John D. Fournet
P. O. Box 1031
John H. Fox, III
P. O. Box 22547
Lawrence J. Franck
P. O. Box 22567
J. B. Franklin
P. O. Box 12
Lawrence C. Franklin
P. O. Box 444
Kenneth I. Franks
690 Fst. Natl. Bk. Bldg.
Billy J. Fulgham
% Governor's Office
Gabriel M. Fuqua
P. O. Box 1083
Louis A. Fuselier
P. O. Box 95
Joe Dewitt Gallaspy
823 Winn St.

Sara Edith Gallaspy
823 Winn St.
Sam Hooper Gammill
1509 Poplar Blvd.
Evelyn Gandy
727 Arlington St.
Leman Dale Gandy
172 Clyde St.
James L. Garner, Jr.
1304 Riverwood Dr.
Arthur G. Gearheard, III
611 Barnett Bldg.
Martha W. Gerald
P. O. Box 22489
Walter J. Gex, III
P. O. Box 1172
P. Olney Gibson, Jr.
P. O. Box 743
A. Spencer Gilbert, III
P. O. Box 651
Karen Annette Gilfoy
3759 Kings Hwy.
Don A. Gill
P. O. Box 4271
Judge R. G. Gillespie
New Capitol Bldg.
Robert G. Gillespie, Jr.
P. O. Box 1729
Thomas P. Givens
P. O. Box 1225
William F. Goodman
P. O. Box 650
Paul Roger Googe, Jr.
5115 Shirlwood Dr.
Weaver E. Gore, Jr.
P. O. Box 186
John G. Gourlay, Jr.
P. O. Box 427
William A. Gowan, Jr.
P. O. Box 22628
Robert S. Graham
P. O. Box 1841
Brelon E. Grantham, Jr.
P. O. Box 1773
R. Gordon Grantham
P. O. Box 119
Charles L. Graves
185 Thompson St.
Elizabeth W. Grayson
P. O. Box 650
Elmore D. Greaves
P. O. Box 426
Garner W. Green
P. O. Box 1666
Garner W. Green, Jr.
P. O. Box 1666
Joshua Green
P. O. Box 1666
John M. Grower
P. O. Box 119
Judge Carl E. Guernsey
215 Courthouse
Claude W. Guice
4313 Ridgewood Rd.
Stephen L. Guice
1500 Woodrow Wilson
Van Douglas Gunter
4256 Forest Park Dr.
Charles C. Hairston
P. O. Box 1269
Doric Hakes
348 Sylvian Trail
Carsie A. Hall
121 N. Farish St.
Lowell D. Hamilton
P. O. Box 899
Richard B. Hamilton
1957 Meadowbrook Rd.
Robert B. Hamilton
P. O. Box 275
W. Jeff Hamm
P. O. Box 97
Marshal E. Hanbury
3785 Northview Dr.
Timmie Hancock
850 N. Jefferson
Bobby Ray Hardin
515 Yazoo St.
Patrick Nicholas Harkins, III
P. O. Box 650
Charles Edward Harper
P. O. Box 727
Nolan Sidney Harper
P. O. Box 1791
Alan H. Harrigill
1120 Bankers Trust Plaza Bldg.
Herbert F. Harris
4558 Eastwood Rd.
William R. Harris
1615 Pine Ridge Pl.
Newt P. Harrison
P. O. Box 119
Robert W. Hartford
P. O. Box 2247
Robert E. Hauberg
P. O. Box 2091
Ben Hawkins
P. O. Box 4714
George W. Haynes
P. O. Box 686
Jay Homer Hedgepeth
P. O. Box 1467
T. H. Hedgepeth
P. O. Box 1467
Cecil F. Heidelberg, Jr.
690 Fst. Natl. Bk. Bldg.
Scott P. Hemleben
P. O. Box 22489
Leon F. Hendrick
P. O. Box 1473
Jimmy Alexander Henry
1025 Branch St.
Charles B. Henley
P. O. Box 326
Byron T. Hetrick
P. O. Box 1818
George P. Hewes, III
P. O. Box 119
L. B. Hilburn
P. O. Box 1793
John Hill
4911 Old Canton Rd.
J. T. Hill
1363 Belvoir
Joe W. Hobbs
P. O. Box 650
E. Clifton Hodge, Jr.
P. O. Box 22567
Clarence H. Holland
New Capitol Bldg.
David Holderfield
4645 Kirkley Dr.
Edwin R. Holmes, Jr.
P. O. Box 2091
Richard B. Holmes
P. O. Box 1640
Alben Norris Hopkins
P. O. Box 1084
Hugh S. Hopkins
P. O. Box 1145
Calvin A. Hopper, Jr.
955 Park Ln.
Frank C. Horton
P. O. Box 1084

Judge W. T. Horton
1001 Monroe St.
Jones H. Hoskins
%Miss. Valley Title
Ins. Co.
Homer Lee Howie
161 E. Pearl St.
Joseph H. Howie
P. O. Box 724
Theodore G. Huffman
1322 Hazel St.
Charles E. Hughes
P. O. Box 25
Joe Jack Hurst
P. O. Box 131
H. L. Hutcherson
P. O. Box 1699
John Reese Hutcherson
P. O. Box 119
Edgar D. Ingels, III
200 Wood Dale Dr.
Cecil E. Inman, Jr.
316 First Natl. Bk. Bldg.
Judge William H. Inzer
New Capitol
Forrest B. Jackson
P. O. Box 124
Samuel N. Jennings
P. O. Box 1450
Harmel Johnson
475 Eminence Row
Larry L. Johnson
1510 N. State St.
Otis Johnson, Jr.
690 First Natl. Bk. Bldg.
Willis Howard Johnson, Sr.
3129 Adrienne Dr.
E. Grady Jolly, Jr.
512 E. Pearl St.
Ben Block Jones
P. O. Box 2511
Fannie Elizabeth Jones
3615 Hawthorne Dr.
Paul Tudor Jones
P. O. Drawer 1532
Judge Robert Lee Jones
New Capitol
P. Zeb Jones
P. O. Box 807
Shirley Norwood Jones
P. O. Box 1666
W. Roger Jones
P. O. Box 22561
William Timothy Jones
P. O. Drawer 119
John T. Kabbes
P. O. Box 1818
Harry Lee Kelley
210 Barnett Bldg.
James E. Kemp
P. O. Box 651
Henry M. Kendall
P. O. Box 330
W. D. Kendall
200 Petroleum Bldg.
Earl Keyes
P. O. Box 528
John Major Kinard
Morningside Terrace—
C25
Bobbie L. King
130 N. Grandview Circle
Robert W. King
P. O. Box 123
Curtis G. Kirby
418 Barnett Bldg.
James D. Kirby
Ill. Central RR
Thomas Davis Kirschten
Miss. Supreme Court
Lee G. Kirk
5964 Westmore Dr.
James P. Knight, Jr.
P. O. Box 161
John Kuykendall
P. O. Box 961
Don Preston Lacy
127 Barnes St.
E. E. Laird, Jr.
P. O. Box 291
Ralph L. Landrum
1121 Fst. Natl. Bk. Bldg.
Roger C. Landrum
P. O. Box 22567
James Jerry Langford
P. O. Box 131
Thomas F. Larche, Sr.
P. O. Box 4253
William Larry Latham
P. O. Box 1084
M. Scott Lawyer
1904 Bellewood Rd.
Tommie Christine Layton
P. O. Box 1012
Catherine Warren Lee
500 First Federal Bldg.
Dan M. Lee
200 Petroleum Bldg.
J. Larry Lee
4460 Azalea Dr.
Robert M. Lee
136 E. Griffith
Horace Baxter Lester, Jr.
1350 Eastover Dr.
Melvyn Rosenman
Leventhal
528½ N. Farish St.
M. A. Lewis, Jr.
P. O. Box 1353
Roland C. Lewis
P. O. Box 1695
W. Baldwin Lloyd
901 First Natl. Bk. Bldg.
Edward P. Lobrano, Jr.
P. O. Box 1172
Thomas G. Lilly
P. O. Box 651
L. H. Long
1727 St. Ann
Glenn M. Longino
829 Arlington St.
Fred J. Lotterhos
P. O. Box 2292
Martha G. Love
P. O. Box 1345
Connie Mack Lloyd
3304 Casa Grande
John M. Luckett
614 Barnett Bldg.
G. Lowrey Lucas
P. O. Box 25
Jack H. Lucas
P. O. Box 54
Warren V. Ludlam, Jr.
P. O. Box 427
G. Garland Lyell, Jr.
P. O. Box 220
Daniel Eugene Lynn
P. O. Box 2091
Oscar P. Mackey
P. O. Box 220
B. F. Madole
P. O. Box 4374,
Fondren Station

Joe W. Magee
4537 Office Park Dr.
Otho Magee
2055 Flowers
Frank E. Magill
P. O. Box 1972
A. W. Magruder, Jr.
515 Yazoo St.
Lauch Magruder, Jr.
1801 Dep. Gty. Bk. Bldg.
Thomas J. Mallette
2418-236 Bldg.
John P. Maloney
P. O. Box 1200
Michael J. Malouf
Suite 420,
236 E. Capitol St.
Lee Mansell
1331 Kimwood Dr.
Roland D. Marble
P. O. Box 131
E. Michael Marks
214 Bkrs. Trust Plaza
James L. Martin
1744 Cheswood Dr.
Charles A. Marx
P. O. Box 958
Herman Milton Mason
5941 Whitstone Rd.
Lynel Echols Massie
1239 Dep. Gty. Natl. Bk. Bldg.
J. Morton Matrick
1123 Garden Park Dr.
John L. Maxey, II
123 E. Griffith St.
James Dent May
P. O. Box 2216
Mansul Charles May
1965 Edward Ln.
Walter Dent May
P. O. Box 42
Rose P. May
540 Woodbury Rd.
Velia Ann Mayer
P. O. Box 220
Charles R. Mayfield, Jr.
P. O. Box 2192
Robert Travis McAdory
P. O. Box 2599
B. B. McClendon
903 Dep. Gty. Bk. Bldg.
George T. McClintock
P. O. Box 1288
A. B. McCraw
1922 Belvedere Dr.
Jaffa W. McCraney
5518 Concord Dr.
Dan McCullen
P. O. Box 22567
John L. McDavid
P. O. Box 326
Sarah Ann McDaird
P. O. Box 1467
C. Wallace McGehee, Jr.
P. O. Box 3576
R. B. McGehee, Jr.
P. O. Box 1954
Roger L. McGehee, Jr.
130 Wesley Ave.
Judge M. M. McGowan
Circuit Court
Raymond L. McGuire
P. O. Box 811
James Grant McIntyre
417 Barnett Bldg.
James M. McKay
P. O. Box 1200
M. Curtiss McKee
P. O. Box 651
Curtis W. McKewen
1103 Alta Vista Blvd.
Dale McKibben
P. O. Box 22561
William E. McKinley
418 Yazoo St.
Martin McLendon
P. O. Box 22489
Clyde A. McLeod
P. O. Box 1849
James N. McLeod
621 Eagle Ave.
Harry McMain
P. O. Box 3467
Orland Murray McNeely
930 Dep. Gty. Bk. Bldg.
David McMullan
P. O. Box 427
Jack F. McPeak
P. O. Box 1972
C. Eugene McRoberts, Jr.
P. O. Box 22567
George D. Meek
619 Mohawk Ave.
George O. Miles
518 E. Capitol St.
William Edward Miller, II
P. O. Box 2899
Harold D. Miller, Jr.
P. O. Box 22567
Claude Milstead
1305 Woodcrest Dr.
Cecil M. Mitchell
165 Bristol Blvd.
Milton H. Mitchell
P. O. Box 2216
E. W. Montgomery, II
P. O. Box 724
Hugh C. Montgomery, Jr.
1801 Dep. Gty. Bk. Bldg.
Lloyd Madison Montgomery, Jr.
660 Forest Ave.
Malcolm B. Montgomery
P. O. Box 1288
Samuel A. Montgomery
809 N. State St.
W. W. Moffett, Jr.
P. O. Box 3320 W J S
Charles O. Moore
P. O. Box 16125
E. Don Moore
P. O. Box 10087
Northside Station
Frank T. Moore, Jr.
P. O. Box 22489
Judge Russel D. Moore, III
P. O. Box 171
William S. Moore
200 Petroleum Bldg.
Dan W. Morse
604 Bkrs. Trust Plaza Bldg.
W. E. Morse
601 Bkrs. Trust Plaza Bldg.
Donald Morrison
P. O. Box 22628
Thomas Earl Mullen
P. O. Box 2026
Henry H. Mounger
P. O. Box 1041
William H. Mounger, Jr.
P. O. Box 1651
Adrian E. Mullen
1746 Hillview Dr.

Jean Denman Muirhead
1344 Dunleith Place
Corwin G. Muse, Jr.
P. O. Box 11267
John Herr Musser, IV
327 Briarwood Dr.
George Lee Nassar
3902 W. Capitol St.
George S. Neal, Jr.
P. O. Box 945
William H. Neely
P. O. Box 78
William T. Neely
P. O. Box 17
James H. Neeld, III
300 Shamrock Bldg.
R. Hugo Newcomb, Jr.
1078 Meadowbrook Rd.
Hugo Newcomb
New Capitol Bldg.
John A. Nichols
538½ N. Farish St.
James W. Newman, III
328 Fst. Natl. Bk. Bldg.
Robert G. Nichols, Jr.
P. O. Box 1526
Samuel J. Nicholas, Jr.
604 Webster St.
Wayne L. Nix
P. O. Box 291
Henry Russell Nobles
781 Gillespie St.
James W. Nobles
P. O. Box 1288
J. T. Noblin
P. O. Box 651
James W. O'Mara
P. O. Box 22567
Junior O'Mara
P. O. Box 22567
Emile C. Ott
P. O. Box 95
N. W. Overstreet, Jr.
P. O. Box 961
John Mack Osborne, Jr.
724 Chickasaw
Harry D. Owen
P. O. Box 2599
James Z. Palmertree, Jr.
104 Catalina Circle
Derek Parker
839 Fairview St.
Rufus Eugene Parker, Jr.
507 Fst. Natl. Bk. Bldg.
Richard Wayne Parker
300 Old Canton Rd.
George Collins Pate
1103 Manship St.
Judge J. Neville Patterson
New Capitol Bldg.
William Nye Patterson
631 Forest Ave.
W. R. Patterson
850 W. Capitol St.
Mary Libby Payne
401-D New Capitol
Thomas B. Payne
4801 N. State St.
James A. Peden, Jr.
507 Merigold Dr.
Thomas E. Pegram, III
905 N. Congress St.,
Apt. 10
Rufus Wilson Peebles, Jr.
3971 Council Circle
Charles Pendleton
P. O. Box 584
John L. Penny
313 Wacaster
Kenneth Giles Perry
P. O. Box 1172
Robert Perry
P. O. Box 22628
James Brady Persons
1801 Dep. Gty. Bk. Bldg.
Edward J. Peters
P. O. Box 22628
M. J. Peterson
P. O. Box 4547
Ellen L. Pfister
P. O. Box 521
Rubel L. Phillips
P. O. Box 22628
James A. Phyfer
501 E. Pearl St.
W. W. Pierce
300 Shamrock Bldg.
George B. Pickett, Jr.
1717 E. Northside Dr.
Bob W. Pittman
P. O. Box 1849
Barry H. Powell
300 Shamrock Bldg.
Gilbert Bailey Powell
P. O. Box 8153
John R. Poole
214 Plaza Bldg.
Roy D. Powell
P. O. Box 22493
Thomas W. Prewitt
P. O. Box 22567
John H. Price, Jr.
P. O. Drawer 1532
Thomas Bennett Price
1158 Argor Vista
Victor B. Pringle, Jr.
1009 Meadow Brook Rd.
Robert A. Pritchard
300 Shamrock Bldg.
Fred H. Purser, Jr.
812 Timberlain Dr.
John M. Putnam
P. O. Box 2075
L. Arnold Pyle
P. O. Box 427
William A. Pyle
P. O. Box 427
Dixon Pyles
507½ E. Pearl
John D. Quarles, Jr.
935 Branch St.
James Rankin
P. O. Box 220
Robert D. Ray
200 Petroleum Bldg.
Woodrow W. Reagan
1316 Kimwood Dr.
William C. Reed, Jr.
809 N. State St.
Jimmie B. Reynolds, Jr.
P. O. Box 2337
Donald K. Richards
1503 Wilhurst St.
Charles C. Richmond
2601 Lake Circle Dr.
Bernard L. Riddick
145 Catalina Circle
C. R. Ridgway
P. O. Box 187
Louis E. Ridgway, Jr.
P. O. Box 187
William B. Ridgway
P. O. Box 187
A. H. Ritter, Jr.
P. O. Box 1200

Jack L. Ritter
P. O. Box 701
John M. Roach
P. O. Box 1084
W. E. Robbins
5058 Old Canton Rd.
Nolle T. Roberts
309 Barnett Bldg.
Frank A. Robertson
P. O. Box 95
Judge Stokes V. Robertson, Jr.
New Capitol Bldg.
Sidney A. Robinson, Jr.
P. O. Box 920
Stuart Robinson
1120 Bkrs. Trust Plaza Bldg.
Frederick F. Roberts, Jr.
1431 Canton Mart Rd.
Judge Henry Lee Rodgers
New Capitol
Guy N. Rogers
P. O. Box 220
Joe B. Rogers
P. O. Box 205
Fred A. Ross, Sr.
P. O. Box 4321
Fondren Station
Howard C. Ross, Jr.
309 Fst. Fed. Svgs. Bldg.
Fred A. Ross, Jr.
P. O. Box 1324
Abe A. Rotwein
P. O. Box 22582
Fred T. Rucker, III
P. O. Box 1176
Roderick S. Russ, Jr.
3726 Crane Blvd.
Glenn M. Russum
602 Barnett Bldg.
Darold L. Rutland
P. O. Box 862
Thomas E. Royals
717 Dep. Gty. Bk. Bldg.
David Sadler
P. O. Box 9634
Northside Station
Natale A. Salvo
P. O. Box 4593
L. F. Sams, Jr.
P. O. Box 1084
Thomas W. Sanford
P. O. Box 22493
Charles W. Satterfield
5383 Keele
Clarence R. Scales
P. O. Box 1176
Jewelle Scales
202½ W. Capitol
Patrick Hugh Scanlon
930 Dep. Gty. Bk. Bldg.
E. G. Scott
P. O. Box 1818
Frank T. Scott
729 Fairview St.
Sam E. Scott
690 Fst. Natl. Bk. Bldg.
Tom B. Scott, Jr.
P. O. Box 1818
William F. Selph, Jr.
P. O. Box 1567
Dugas Shands
1121-23 Fst. Natl. Bk. Bldg.
John A. Shanks
4635 Hazlewood Dr.
George E. Shaw, Jr.
P. O. Box 289
Dan H. Shell
P. O. Box 1172
A. Jerry Sheldon
P. O. Box 22489
Ernest L. Shelton
712 Plaza Bldg.
Leon Shelton
221 N. President St.
N. R. Shoemaker
P. O. Box 1954
Walter L. Shows
P. O. Box 2355
Eugene A. Simmons
402 Lamar Life Bldg.
Constance Iona Slaughter
233 N. Farish St.
J. E. Skinner
839 Gty. Natl. Bk. Bldg.
Bennett E. Smith
1105 Woolfolk Bldg.
Conner D. Smith
414-236 E. Capitol St.
Judge L. A. Smith, Jr.
New Capitol Bldg.
L. O. Smith, Jr.
P. O. Box 15
Neal Smith
P. O. Box 1524
Stone M. Smith
P. O. Box 1729
William C. Smith
P. O. Drawer 2428
Wayne Snuggs
1121 Ridgewood
James L. Spencer
523 Plaza Bldg.
Lawrence Morris Spivey
3738 Crane Blvd.
Tatum R. Stacey
P. O. Box 431
R. L. Stainton
P. O. Box 4391
Herbert Glenn Stampley
3107 Shirley Dr.
Perry Stanfield, Jr.
615 Bkrs. Trust Plaza Bldg.
Thomas I. Starling
P. O. Box 22628
Horace Steel
P. O. Box 731
Lottie M. Steele
2306 E. Manor St.
Jerome B. Steen
P. O. Box 2337
E. W. Stennett
P. O. Box 17
Judge J. C. Stennett
P. O. Box 868
John H. Stennis
P. O. Box 427
Andrew Sullivan
3400 W. Capitol
Hubert Stephens
P. O. Box 849
Joseph Taylor Stephens
Dep. Gty. Natl. Bk. Bldg.
Lowell F. Stephens
P. O. Box 1200
Francis B. Stevens
P. O. Box 22567
Phineas Stevens
P. O. Box 22567
Nausead Stewart
603 N. Farish St.

Robert N. Stockett, Jr.
1073 Manship
John E. Stone
4212 Brookdale
R. B. Stovall
1621 Peachtree St.
F. Kent Stribling
P. O. Box 807
A. C. Stringer
1463 Meadowbrook Rd.
Quentin Stringer
1807 Ridgeover Place
Forrest W. Stringfellon
416 Glen Rose Dr.
D. R. Stump
4115 Hawthorne Dr.
W. E. Suddath, Jr.
P. O. Box 650
Charles M. Sudduth
4104 Del Rosa Dr.
C. Arthur Sullivan
P. O. Box 2366
John C. Sullivan
P. O. Box 528
John C. Sullivan, Jr.
P. O. Box 528
A. F. Summer
P. O. Box 220
Minor C. Sumners, Jr.
P. O. Box 961
Valentine Surgis
P. O. Box 17
Robert Edward Swindoll
1449 Morson Rd.
Thomas M. Tann
P. O. Box 1505
Anthony A. Tattis
P. O. Box 235
Ernest G. Taylor, Jr.
P. O. Box 427
John S. Taylor, Jr.
1932 Bellewood Rd.
O. B. Taylor, Jr.
P. O. Drawer 2428
Rowan H. Taylor
P. O. Drawer 2428
Swep S. Taylor, Jr.
P. O. Box 912
Scott Tennyson
1829 Dep. Gty. Bk. Bldg.
E. Grant Tharpe
611 Barnett Bldg.
Earl T. Thomas
P. O. Drawer 1532
William Patrick Thomas
1216 Wooddell Dr.
Allen C. Thompson
810 Fairview
Clifford C. Thompson
3941 Redwing Ave.
Fulton Thompson
P. O. Box 410
Helene L. Thompson
P. O. Box 119
Luther Moorman Thompson
690 Fst. Natl. Bk. Bldg.
Robert H. Thompson
P. O. Box 410
Collis M. Thornell
365 Francis St.
W. A. Thornton
700 N. Jefferson St., Apt. 101
Bernard L. Tighe
416 Plaza Bldg.
Bowman Stirling Tighe
416 Plaza Bldg.
John E. Tracy
P. O. Box 5025
Fondren Station
Robert C. Trainor
P. O. Box 4973
Cecil F. Travis
P. O. Box 995
John A. Travis, Jr.
P. O. Box 807
John A. Travis, III
P. O. Box 22567
L. K. Travis
4632 N. State St.
Robert C. Travis
P. O. Box 651
John B. Traylor
P. O. Box 5005
Betty Bartee Tucker
507½ E. Pearl St.
Eddie Howard Tucker
115½ N. Farish St.
Davey Lewis Tucker
374 Rollingwood
James B. Tucker
P. O. Box 1631
Luther B. Turbeville
P. O. Box 291
Felix J. Underwood, Jr.
4308 Manhattan Rd.
Robert W. Upchurch
2623 Clinton Ave.
Harlon H. Varnado
1250 Petroleum Bldg.
Lynn Douglas Wade
501 E. Pearl
Guy Morrison Walker
P. O. Box 244
James A. Wallace
511 Plaza Bldg.
Laure S. Wallace
1841 Parkridge Dr.
Bill Waller
P. O. Box 22547
Ben H. Walley
704 State Office Bldg.
Charles W. Walton
P. O. Box 3271
O. B. Walton, Jr.
1600 Eastover Dr.
Erwin C. Ward
P. O. Box 673
Howard S. Warner, II
328 Fst. Natl. Bk. Bldg.
H. V. Watkins
P. O. Box 427
Thomas H. Watkins
P. O. Box 650
Louis H. Watson
1436 Amherst
Walker L. Watters
P. O. Box 22489
Robert H. Weaver
P. O. Box 427
David Thomas Webb, Jr.
222 N. President St.
W. Scott Welch, III
P. O. Box 22567
Calvin L. Wells
P. O. Box 22489
Erskine W. Wells
P. O. Box 131
W. Calvin Wells
P. O. Box 22489
W. Calvin Wells, Jr.
P. O. Box 131
John A. Welsch, Jr.
P. O. Box 119

Carol Catherine West
741 Fairview
John M. Weston
P. O. Box 1818
Charles R. White
140 W. Pearl
John Harold White, Jr.
140 W. Pearl
Hassell Hendon Whitworth
P. O. Box 650
Yandell Wideman
235 E. Capitol St.
Samuel H. Wilkins
P. O. Box 504
Gene A. Wilkinson
P. O. Box 673
Michael C. Wilkinson
P. O. Box 4932
Fondren Station
Frank T. Williams
P. O. Box 1172
James L. Williams
P. O. Box 2425
Donald W. Williamson, Jr.
P. O. Box 1467
W. R. Willis
P. O. Box 743
Earl R. Wilson
901 Fst. Natl. Bk. Bldg.
James M. Wilson
P. O. Box 8487
Richard Baxter Wilson, Jr.
P. O. Box 651
William F. Winter
P. O. Box 427
Sherwood W. Wise
P. O. Box 651
Larry W. Wood
1431 Canton Mart Rd.
W. Wayne Wood
5952 Waverly Dr.
George F. Woodliff
690 Fst. Natl. Bk. Bldg.
Thomas H. Woodrow
4929 Clinton Blvd.
Charles S. Wright
P. O. Box 2201
W. Swan Yerger
690 Fst. Natl. Bk. Bldg.
Rice P. York
P. O. Box 22511
Frances M. Young
P. O. Box 263
Jack H. Young
207 Redmond Bldg.
Jack H. Young, Jr.
3760 Brinkley Dr.
James Leon Young
930 Dep. Gty. Bk. Bldg.
J. Will Young
930 Dep. Gty. Bk. Bldg.
Frank M. Youngblood
P. O. Box 1567
Thomas Lee Zebert
404 N. Biederman Rd.
John B. Zuccaro
3344 Santa Rosa St.

KOSCIUSKO

John Percy Allen
300 N. Jackson St.
William D. Brooks
105-07 S. Madison St.
David E. Crawley, Jr.
Crawley Bldg.
William Reynolds Ford
Crawley Bldg.
D. H. Glass
P. O. Box 746
John D. Guyton
105-07 S. Madison St.
George Lee Dorrill
Thornton & Mikell
Chatwin M. Jackson, Jr.
P. O. Box 189
John C. Love, Jr.
P. O. Box 527
John C. Love, Sr.
P. O. Box 527
Alton Massey
P. O. Box 189
Ray S. Mikell
P. O. Box 658
Clarence E. Morgan, Jr.
P. O. Box 721
John E. Shaw
112 Cedar Lane Dr.
G. J. Thornton
Morgan & Lindsay Bldg.
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
Doty Bldg.

KOSSUTH

John L. Hopkins
P. O. Box 85

LAMBERT

Walter E. Dreaden, Jr.
P. O. Box 215
Thomas Sharp
Hoke Stone

LAUREL

E. R. Alley
P. O. Box 2744
Luther Austin
5th Ave. Office Bldg.
Ray D. Baldwin
3815 Baldwin Dr.
E. C. Bonney
P. O. Box 957
H. Harvey Breazeale
2018 Briarwood Dr.
Ronald C. Brown
P. O. Box 171
James Travis Buckley
P. O. Box 52
Kenneth Bullock
P. O. Box 2008
John A. Bruce Caldwell
P. O. Box 726
J. Edwin Campbell
P. O. Box 584
Judge Lunsford Casey
P. O. Box 185
Leonard B. Caves
717 29th Ave.
Fledell Chain.
48 Oakcrest Dr.
Thomas Gene Clark
P. O. Box 731
Elson K. Collins
P. O. Box 732
Edwin P. Connolly
P. O. Box 525
Henry S. Davis, Jr.
P. O. Box 1137
William M. Deavours
P. O. Box 106
W. O. Dillard
P. O. Box 581
Sarah L. Entrekin
768 Northwood Dr.
E. Brooke Ferris, III
Gardiner Center Offices

Carl Dexter Ford
Rm. 303 Wallace Bldg.
Denton Gibbes, Jr.
Box 2008 Choctaw Sta.
Steward J. Gilchrist
P. O. Box 106
Ernest W. Graves
Box 2008 Choctaw Sta.
Matthew Harper, Jr.
P. O. Box 726
James D. Hester
P. O. Box 713
Thomas J. Holifield
P. O. Box 726
W. Major Holifield
P. O. Box 901
John Leonard Jeffries
P. O. Box 844
Harry E. Koch
P. O. Box 2455
George D. Maxey
P. O. Box 731
Apheus Holland McRae
P. O. Box 65
Harold W. Melvin
P. O. Box 142
Leonard B. Melvin, Sr.
P. O. Box 142
Leonard B. Melvin, Jr.
P. O. Box 142
Judge Goode Montgomery, Jr.
P. O. Drawer 5
Humphrey C. Moynihan
P. O. Box 222
William S. Mullins, III
P. O. Box 2008
Choctaw Station
William Harold Odom
P. O. Box 354
L. A. Pacific
P. O. Box 1860
Samuel V. Pack
P. O. Box 706
Charles W. Pickering
P. O. Box 713
L. Percy Quinn
P. O. Box 1085
Kalford C. Ratcliff
P. O. Box 706
Charles G. Reeder
% Central Oil Co.
Quitman Ross
P. O. Box 464
A. S. Scott, Sr.
P. O. Box 403
A. S. Scott, Jr.
P. O. Box 403
Philip E. Stevens
P. O. Box 434
William B. Sullivan
P. O. Box 41
Jon A. Swartzfager
P. O. Box 121
Paul G. Swartzfager
P. O. Box 121
Raymond C. Swartzfager, Jr.
P. O. Box 65
Lowell W. Tew
P. O. Box 732
C. H. Walker
P. O. Box 732
Guy M. Walker
P. O. Box 41
J. Larry Walters
Arcade Bldg.
Milton B. Weems
P. O. Box 106
Raynold Lee Willett
10-11 Oferrall Bldg.

LEAKESVILLE

Curtis Breland
P. O. Box 154
T. Horton Hillman
P. O. Box 555

LELAND

Edward Joshua Bogen, Jr.
Broad St.
Burrell O. McGee
209 Broad St.
William B. Waits
P. O. Box 128
John C. Webb
P. O. Drawer 392
Taylor Webb
P. O. Box 109

LEXINGTON

John William Barrett
P. O. Box 149
Pat M. Barrett
P. O. Box 149
Pat M. Barrett, Jr.
P. O. Box 149
J. R. Gilfoy
P. O. Drawer 30
William L. Jordon
P. O. Box 415
Calvin R. King
106 Carrollton St.
P. P. Lindholm
P. O. Box 5
G. H. McMorrough
Marshall H. Smith
H. Edwin White
208 Court Square

LIBERTY

T. F. Badon
P. O. Box 353
Mary Jo Poole Forman
P. O. Drawer L
Joe D. Gordon
P. O. Box 268
Joseph D. Gordon, Jr.
P. O. Box 268
Kenneth Gordon
P. O. Box 373
F. W. Stratton
P. O. Box D

LONG BEACH

Harold J. Demetz
York Drive
Albert E. Easterling, Jr.
123 Buena Vista Dr.
James M. Maxwell, Jr.
400 Gulfview Ave.
James W. Ware
215 Cox Ave.

LOUISVILLE

R. W. Boydstun
P. O. Box 560
R. W. Boydstun, Jr.
P. O. Box 342
David E. Crawley, III
P. O. Box 543
Frank M. Deramus
P. O. Box 31
Charles D. Fair
P. O. Box 509
J. Hoy Hathorn
Masonic Bldg.

James Cal Mayo
P. O. Box 509
Edward C. Prisock
Masonic Bldg.
Neal Prisock
Masonic Bldg.
Burris Olen Smith
P. O. Box 31
David T. Wilson, Jr.
109 McCully Ave.
Henry C. Wood

LUCEDALE

William Thames Bailey
P. O. Box 265
John Laverne Dale
P. O. Box 67
H. M. Hunter
Route 1
Darryl A. Hurt
P. O. Box 45
Maurice L. Malone
P. O. Box 208
Darwin M. Maples
P. O. Box 75
J. O. Moss
P. O. Box 572
Andrew M. N. Murphy
P. O. Box 585
Williams S. Murphy
William Avery Wilkerson
P. O. Box 255

LUMBERTON

Michael R. Eubanks
P. O. Box 527
Bobby J. Garraway
P. O. Box 335
Joseph H. Montgomery
P. O. Box 392

MACON

E. H. Britton
Ernest L. Brown
500 Jefferson St.
Leroy R. Kenneday
Jefferson St.
Jesse P. Stennis
Jefferson St.

MADISON

H. S. Owens
P. O. Box 7

MAGNOLIA

Judge Thad Leggett, III
P. O. Box 307
O. W. Phillips
225 E. Bay St.
Robert S. Reeves
P. O. Box 508
William Benjamin Regan
225 E. Bay St.
B. D. Statham
110 N. Cherry St.
William F. Watkins
101 N. Cherry St.

MAGEE

T. M. Bishop
P. O. Box 623
L. R. Floyd
RFD 2, Box 122
Willis T. Matthews
P. O. Box 932

MARKS

Philip Ross Adams
Rt. 2, Box 136-A
Ben M. Caldwell
P. O. Box 370
Partee L. Denton
331 Locust St.
Ellen E. Goldman
551 Lamar
Ney M. Gore, Jr.
337 First St.
T. N. Gore
Lomax Lamb, Jr.
Larry O'Keefe Lewis
P. O. Box 370
Eugene Thompson
P. O. Box 66

MATHISTON

Will P. Starnes
P. O. Box 33

McCOMB

Sidney J. Abdalla, Jr.
202 Westview Circle
Louis Alford
P. O. Box 489
Clinton Ashley Atkinson
P. O. Box 155
Robert W. Brumfield
P. O. Box 998
Charles Wayne Dowdy
P. O. Box 853
John B. Ewing
P. O. Box 428
Norman B. Gillis, Jr.
P. O. Drawer G
William S. Guy
P. O. Box 853
Judge Bert H. Jones
Chancellor
L. S. McClaren
P. O. Box 201
Gerald M. McMillan
P. O. Box 73
John N. Pigott
P. O. Drawer P
Clyde Ratcliff
P. O. Box 81
R. B. Reeves
P. O. Box 998
J. Gordon Roach
Brent Bldg.
John Gordon Roach, Jr.
P. O. Box 506
Bobby D. Robinson
P. O. Box 806
Hansford L. Simmons
509 Caston
Wayne R. Sterling
P. O. Box 592
Laverne A. Varnado
P. O. Box 959
Thomas Halton Walman
900 Hickory
John H. White, Jr.
P. O. Box 672
William A. Wiltshire
P. O. Drawer 527

MEADVILLE

L. L. Forman
K. Maxwell Graves, Jr.
P. O. Box 361
W. Wilson Hewitt
M. Bradley Lawrence
P. O. Box 188
Nolan M. McCoy
P. O. Box 265
H. B. Mayes McGehee
P. O. Box 188
Judge James A. Torrey
Circuit Court

James A. Torrey, Jr.
P. O. Box 188
Sanfred P. Torrey
P. O. Box 277

MENDENHALL

Thomas B. Alexander
Ras Milton Boyles
P. O. Box 576
Grover C. Coleman
P. O. Box 402
A. K. Edwards
P. O. Box 66
George B. Grubbs
P. O. Box 217
Isom C. Harrington
P. O. Box 217
Aleita M. Sullivan
P. O. Box 36
Thomas H. Sullivan, Jr.
P. O. Box 37
J. W. Walker
P. O. Box 37
Connie S. Whitfield
P. O. Box 458
George G. Williamson
P. O. Box 687

MERIDIAN

J. P. Abston
208 Lamar Bldg.
Gerald Adams
P. O. Box 849
George W. Allen
2105 6th St.
Brad B. Bailey
2314 17th St.
L. D. Beard
207-09 Lamar Bldg.
Thomas D. Bourdeaux
P. O. Box 2009
A. S. Bozeman, Jr.
2811 20th St.
Maxie Gene Brown
P. O. Box 305
Frank J. Buchanan
USF & G Bldg.
Joe G. Byrd
2810 7th St., Apt. A
Overton W. Cameron
P. O. Box 888
Edwin K. Clayton
3523 31st Ave.
W. L. Clayton
1513 25th St.
Robert D. Coit
P. O. Box 424
William Bond Compton
P. O. Box 845
Alfred E. Corey
P. O. Box 1413
Lyle V. Corey
P. O. Box 1413
J. Michael Corrigan, Jr.
413 Greater Miss. Life
Oliver Wendell Cosey
P. O. Box 643
Billy R. Covington
P. O. Box 1904
J. A. Covington
P. O. Box 786
Dal M. Crenshaw
Meridian Bldg. &
Loan Bldg.
Robert H. Crook
P. O. Box 289
Thomas W. Dawson
Citizens Natl. Bk. Bldg.
Robert B. Deen, Jr.
P. O. Box 888
Aubert C. Dunn
P. O. Box 1745
Edwin A. Dunn
P. O. Box 1745
J. Thomas Dunn
P. O. Box 5333
Cecil S. Edmundson, Jr.
P. O. Box 3125
Walter W. Eppes, Jr.
Meridian Bldg. & Loan
Don L. Fruge
P. O. Box 1088
G. Rayner Gaillard
1000 20th Ave.
Champ C. Gipson
P. O. Box 804
J. V. Gipson
P. O. Box 804
Wingfield Glover, Jr.
P. O. Box 1389
C. Dennis Goldman
P. O. Box 1625
Thomas L. Goldman
P. O. Box 1625
Thomas W. Goldman, Jr.
P. O. Box 1625
Hardy P. Graham
2000 Country Club Dr.
William J. Gunn, Jr.
Meridian Bldg. & Loan
John M. Harmon
P. O. Box 1443
Joe Clay Hamilton
315 Citizens Natl. Bk.
Bldg.
Robert Wallace Hamill
3111 29th Ave.
Robert Hunter Harmon
P. O. Box 5028
Judge J. Emerson Harwell
County Court
Thomas M. Hendricks, Jr.
P. O. Box 1501
Thomas C. Hogan
402 25th Ave.
Thomas K. Holyfield
308-09 Lamar Bldg.
Harry L. Hopkins
Rt. 3, Box 62-A
Philip D. Hughes
P. O. Box 1468
Alvis C. Johnson
P. O. Box 824
Granville Jones
P. O. Box 1562
S. B. T. Jones
P. O. Box 711
Thomas R. Jones, Jr.
P. O. Box 2009
Maurice F. Kahlmus
P. O. Box 5658
Irvin L. Martin, Jr.
P. O. Box 202
Dempsey G. Knight, Jr.
1308 22nd Ave. Hts.
Jerry Gordon Mason
426 Citizens Natl. Bk.
Bldg.
Thomas Y. Minniece
315 Citizens Natl. Bk.
Bldg.
S. R. Nettles
903 31st Ave.
Paul Mains Neville
315 Citizens Natl. Bk.
Bldg.

Judge William Deb Nevill
P. O. Box 908
Harold Noe
P. O. Box 2009
Joe R. Odom
P. O. Box 607
Howard R. Pigford
P. O. Box 1501
Claude L. Pitts
300 Rosenbaum Bldg.
John Leslie Prichard
P. O. Box 888
Thomas Jefferson Prince, Jr.
Trust Dept.
Citizens Natl. Bank.
Lawrence W. Rabb
413 Greater Miss. Life Bldg.
Harvey Blanton Ray
P. O. Box 5633
William E. Ready
P. O. Box 927
Fred M. Rogers
1823 34th St.
Margaret E. Rogers
2612 19th St.
James Edgar Sandusky
P. O. Box 1754
Daniel P. Self, Jr.
P. O. Box 1625
John Rex Shannon
Rt. 7, Box 152
C. D. Shields
P. O. Box 367
James T. Singley
P. O. Box 5333
Kendric Earl Smith
Route 3
Timothy R. Smith
3303 29th Ave.
E. L. Snow
P. O. Box 786
James T. Speed
P. O. Box 5355
Frances M. St. Germain
P. O. Box 5733
Dequincy V. Sutton
401 Greater Miss. Life
W. Arlo Temple
P. O. Box 786
Jon P. Thames
2441 37th Ave.
Robert L. Tinsley, Jr.
P. O. Box 1327
Thomas R. Ward
P. O. Box 3125
George D. Warner, Jr.
P. O. Box 5633
Homer C. Watkins
P. O. Box 1952
Singleton B. Watkins, Jr.
P. O. Box 205
Thomas K. Watts
P. O. Box 786
J. C. Wilbourn
P. O. Box 1389
Richard E. Wilbourn, II
P. O. Box 1389
J. Pat Wiley
P. O. Box 504
James D. Williams
P. O. Box 1389
Marvin Williams
Meridian Bldg. & Loan
Donald W. Williamson
P. O. Box 425
N. S. Williamson
P. O. Box 86
James E. Williamson, Jr.
P. O. Box 804
Judge Lester F. Williamson
P. O. Box 1501
Gibson B. Witherspoon
P. O. Box 845
Henry S. Woodall
P. O. Box 11
Robert F. Wright, Jr.
3102 16th Ave.
Ralph E. Young
P. O. Box 888

MONTICELLO

James Shelby George
Jack A. Morris
P. O. Drawer C
J. P. Patterson
Judge E. A. Turnage
Chancellor
Francis Marvin Vining
P. O. Drawer 250

MOORHEAD

Ben Himelstein

MORTON

William M. Richardson, Jr.
P. O. Box 32

MOSS POINT

Charles B. Bratt
P. O. Box 461
Louis Fondren
617 Main St.
Frank J. Hammond, Jr.
P. O. Box 356
Robert T. Mills
P. O. Box 83
Richard E. Perkins, Jr.
312 Dantzler St.

MT. OLIVE

Atticus A. Calhoun
Route 2

NATCHEZ

Lawrence Adams
P. O. Box 1377
Basil G. Ballard
P. O. Box 1443
Edwin E. Benoist, Jr.
P. O. Drawer 1344
Frederick C. Berger
P. O. Box 1144
Judge Robert A. Bonds, Jr.
508 Main St.
David C. Bramlette
P. O. Box 1377
James M. Brandon
P. O. Box 1344
J. Walter Brown, Jr.
P. O. Box 1047
B. C. Callon
P. O. Box 640
Carl A. Chadwick
P. O. Box 1187
Vernon H. Chadwick
P. O. Box 1187
Curtis L. Collins
Chancellor 17th Dist.
E. H. Fitzpatrick, Jr.
P. O. Box 226
Brent Forman
P. O. Box 1377
W. A. Geisenberger
7 Fry Bldg.
Wilfred Wyatt Geisenberger
30 Oakhurst Dr.

John T. Green
110 S. Wall St.
Thomas K. Green, Jr.
P. O. Box 262
Lucien G. Gwin
P. O. Box 1384
Lucien G. Gwin, Jr.
P. O. Box 375
G. Stuart Handy
P. O. Drawer 1344
Graham H. Hicks
P. O. Box 364
Oliver M. Hornsby
P. O. Box 1021
Eunice V. Johnson
P. O. Box 1322
Forrest A. Johnson
P. O. Box 1322
James H. Keyer
Lomond Bldg.
Robert D. Lee
P. O. Box 699
Hugh Lumpkin
P. O. Box 490
Anabel Y. Maxie
P. O. Box 844
Thomas M. McNeely, Jr.
116 S. Wall St.
John E. Mulhean, Jr.
202 S. Wall St.
Clyde W. Mullins
133 S. Commerce St.
Robert L. Netterville
P. O. Box 946
Daniel J. O'Beirne
P. O. Drawer 1344
Thomas J. O'Beirne
6-7 Eola Office Bldg.
C. F. Patterson
P. O. Box 92
Claude Pintard, Jr.
P. O. Box 1047
Jack E. Pool
202 S. Wall St.
William F. Riley
P. O. Box 174
J. Fred Schmidt, Jr.
304 Auburn Ave.
S. Barnett Serio, Jr.
331 Market St.
Cecil Gill Smith, Jr.
133 S. Commerce St.
William Marion Smith
P. O. Box 1377
Stanley Leroy Taylor, Jr.
115 S. Pearl St.
John Merritt Tipton
Fry Bldg.
E. G. Truly
P. O. Box 1377
Frank W. Walden
319 Main St.
Edwin C. Ward
P. O. Box 1377
Calvin B. Wells
Fry Bldg.
George Ferdinand West, Jr.
P. O. Box 1202
Robert Y. Wood, Jr.
P. O. Box 1047
Clarence N. Young
P. O. Box 1407
Leonard Albert Young
55 Sgt. Prentiss Dr.
Joseph S. Zuccaro
P. O. Box 1047

NEW ALBANY

J. E. Boone
P. O. Box 42
Hugh C. Clayton, Jr.
Clayton Bldg.
Hugh N. Clayton
P. O. Box 157
W. G. Collins
Route 4
Tom Leslie Darden
Henry H. King
212 Apple St.
Baxter N. Knox, Jr.
P. O. Box 336
Talmadge D. Littlejohn
P. O. Box 833
W. Lester McDonough
P. O. Box 186
John David Pennebaker
P. O. Box 96
William O. Rutledge, III
Route 4
Edgar J. Stephens, Jr.
P. O. Box 330
Lester F. Sumners
P. O. Box 123

NEW AUGUSTA

John M. Dunnam, Jr.
P. O. Box 138

NEWTON

A. B. Amis, Jr.
D. M. Anderson
P. O. Box 7
W. A. Byrd
102 Byrd St.
R. S. Majure
P. O. Box 220
George S. Monroe
P. O. Box 28
S. T. Roebuck
104 N. Main St.
Singleton B. Watkins, Jr.
P. O. Box 205

NORTH CARROLLTON

W. C. Neill
Peoples Bank & Trust Co.

OCEAN SPRINGS

John R. Blossman
206 Shearwater Dr.
Lynden Bowring
114 La Fontaine Ave.
Judge L. C. Corban
P. O. Box 547
Alfred Lee Felder
General Delivery
A. Y. Harper
P. O. Box 712
John L. Heiss, Jr.
304 Langland Dr.
Oscar R. Jordan
914 Washington Ave.
B. Nowlin Keener, Jr.
P. O. Box 705
Russell Moran
P. O. Drawer AA
Schuyler Poitevent, Jr.

OKOLONA

Robert K. Coleman
H. L. Morrison
Walter M. O'Barr
P. O. Box 309
John D. Sibley
Main St.

OLIVE BRANCH

Drue Birmingham, Jr.

OVETT

John Howard Shows
Route 1

OXFORD

Vettra Glenn Alderson
P. O. Box 345
Charles A. Becker, Jr.
Rt. 4, Box 18-A
George Read Blackman
Rt. 4, Box 15A
Russell Blair
426 S. Lamar
Charles L. Clark
2162 S. Lamar
Robin O. Cotten
626 Park Dr.
Omar Dell Craig
P. O. Box 507
Pegg Ann Dolan
Hwy. 7 South
William M. Dye, Jr.
217 Ross Ave.
Thomas R. Ethridge
P. O. Box 566
Thomas H. Freeland, III
P. O. Box 269
James Oliver Ford
N. MS Rural Legal Serv.
Gerald A. Gafford
P. O. Box 269
Albert Jean Gamot, Jr.
33 Church St.
Norman Gillespie
Ass't U.S. Attorney
Lowell E. Grisham
P. O. Box 566
Will A. Hickman
P. O. Box 430
William Walker Joor
P. O. Box 207
Joel Joseph Kamp
211 S. 5th St.
Clyde Gray Huggins, Jr.
P. O. Box 8
William R. Lamb
P. O. Box 349
Alfred Eugene Lee
406 Thomas St.
James Lewis
108½ S. Lamar
William Lewis, Jr.
P. O. Box 31
Falton O. Mason, Jr.
409 S. Lamar
Robert E. Jack McCormick
426 S. Lamar
Taylor H. McElroy
P. O. Box 269
John Purves McLaurin, III
McLaurin Dr.
Thomas Richard Mayfield
108½ S. Lamar
Fred Barringer Patt
518 Tyler Ave.
F. Edwin Perry
P. O. Box 345
J. W. Price
307 S. Lamar
H. M. Ray
P. O. Box 191
Jean Rand Richey
Country Club Rd.
Basil W. Richmond, Jr.
426 S. Lamar
Bramlett Roberts
P. O. Box 507
William L. Rogers
1310 Jefferson Ave.
Alix Henry Sanders
108½ N. Lamar
R. X. Williams
1008-10 Van Buren

PASCAGOULA

Glenn Barlow
P. O. Box 1241
W. E. Belt
P. O. Box 666
Vincent Blackwell
P. O. Box 909
James A. Bowlin
P. O. Box 2092
Raymond L. Brown
P. O. Box 787
John F. Bryan, III
P. O. Box 396
French Caldwell
P. O. Box 149
Joe R. Colingo
P. O. Box H
James H. Colmer
P. O. Box 787
John Gordon Corlew
706 Meadowbrook Dr.
Dan Costello
P. O. Box 2248
Arvis Cumbest
P. O. Drawer 1287
Donald W. Cumbest
P. O. Drawer 1287
William B. Dorsey
345 Watts Ave.
Guy C. Faggard
P. O. Box 714
Henry A. Fly
P. O. Box 792
Charles W. Ford
P. O. Box 100
Lester C. Franklin, Jr.
P. O. Box 1056
E. M. Galloway
P. O. Box 658
H. Bernard Gautier
P. O. Box 299
J. D. Gautier
312 Canty St.
Rex Gordon
P. O. Box 396
George W. Howell, Jr.
P. O. Box 149
Peyton S. Irby, Jr.
P. O. Box 396
Albert S. Johnston, III
P. O. Box 1087
Ranson P. Jones, III
1403 Old Mobile Hwy.
William B. Jones
P. O. Box 100
Earl Leslie Koskela
P. O. Drawer 546
Jesse Elmo Lang
P. O. Box 481
Dempsey M. Levi
300 Delmas Ave.
Clinton E. Lockard
P. O. Box 427
Chester Lott
518 Jackson Ave.
Kenneth W. Martin
P. O. Box 1303
Charles J. May, III
614 Washington Ave.

O. L. McLeod
P. O. Box 609
Carl A. MeGehee
P. O. Box 787
Roland J. Mestayer, Jr.
404 Pascagoula Moss Pt. Bk. Bldg.
Melvin L. Mitchell
P. O. Box 991
B. C. Moore
P. O. Box 1056
Joe A. Moore
P. O. Box 100
William H. Myers
Bryan & Gordon
Edward S. Nelson
P. O. Box 396
Bobby Gene O'Barr
P. O. Box 541
Robert H. Oswald
P. O. Box 909
William J. Palmer
P. O. Box 59
Judge Merle F. Palmer
P. O. Box 59
M. R. Penton
P. O. Box 506
Roy W. Pike
P. O. Drawer 1469
Willard L. Richardson
P. O. Box 966
Kenneth B. Robertson
P. O. Box 854
Ernest R. Schroeder
P. O. Box 100
Harold M. Seamen
605 9th St.
Lloyd Y. Sexton
P. O. Box 714
George M. Simmerman
104 S. Pascagoula St.
David A. Stewart, Jr.
P. O. Drawer AA
Henry L. Tillman
525 Washington Ave.
Judge L. A. Watts
P. O. Box 244
Pat H. Watts, Jr.
P. O. Drawer 1499
Charles J. Weeks
P. O. Box 506
Karl Wiesenburg
P. O. Box 26
Roy C. Williams
P. O. Box 787
Edmund A. Wilson
P. O. Box 415
Edward Hermann Winnige
1308 Tyler Ave.
Fielding L. Wright, Jr.
408 Lake Ave.

PASS CHRISTIAN

C. Randall Jones, Jr.
P. O. Box 283

PELAHATCHIE

Charles G. Clifford
Rt. 2, Box 231

PETAL

Turman L. Clark
P. O. Box 366
Gilbert F. Heinbaugh
P. O. Box 261
H. B. Lingle
P. O. Box 695

PHILADELPHIA

Herman W. Alford
Key Building
Thomas L. Booker
461 Evergreen Ave.
Clayton Lewis
P. O. Box 162
Clayton T. Lewis
P. O. Box 162
William M. Mars
Key Building
Wilburn D. Moore
Joe Henry Mulholland
P. O. Box 337
Judge Robert Prisock
Chancellor
Bobby F. Sanders
P. O. Box 81
Laurel G. Weir
P. O. Box 156
William G. Yates, Jr.
P. O. Box 54

PICAYUNE

Sam P. Cooper, Jr.
P. O. Box 125
Emile J. Gex, Jr.
620 Stovall Ave.
Charles R. Holladay
P. O. Box 177
Robert (Rip) I. Prichard, III
P. O. Box 269
Lonnie Smith
P. O. Drawer 1076
Edward H. Stevens, III
L. Jack Stewart
P. O. Box 608
Ray M. Stewart
P. O. Box 269
J. E. Stockstill
203 Picayune Bank Bldg.
Monroe David Tate, II
108 E. Canal St.
Granville H. Williams
P. O. Drawer 1076
Robert J. Williams
P. O. Box 29

PONTOTOC

James E. Bost
P. O. Box 148
Jackson D. Doty
First Natl. Bk. Bldg.
William A. Grist
P. O. Box 118
Joe Ray Henderson
P. O. Box 217
Boudie A. Jaggers
P. O. Box 364
Burd P. Mauldin
512 S. Main St.
Kendall G. Rayburn
P. O. Box 124
William Lowrey Sneed
Route 1
Charles D. Thomas
First Natl. Bk. Bldg.
T. Fred Wicker
P. O. Box 297
Joseph E. Winston

POPLARVILLE

Almond Garry Lumpkin
108 W. Beers St.
Martin T. Smith
P. O. Box 393

E. B. Williams
Williams Bldg.
E. B. Williams, Jr.
Williams Bldg.
Lampton O. Williams
P. O. Box 113

PORT GIBSON

Jake L. Abraham
Farmers St.
William H. Barr
Route 2
Joseph Davenport, Jr.
Edwin D. Davis
P. O. Box 602
Joseph Turpin Drake
Robert Douglas Gage, III
P. O. Box 224
William B. Lowrance
P. O. Box 523
P. M. Watkins
Person Bldg.
Karl Weil

PRENTISS

Joseph Dale
P. O. Box 518
Onette E. W. Johnson
P. O. Drawer C
O. W. Johnson
P. O. Drawer C
Donald G. Kruger
P. O. Drawer 11
Floyd P. Smith
P. O. Box 357

PURVIS

William E. Andrews, Jr.
P. O. Box 92
Elmer A. Canfield
P. O. Box 188
Jesse W. Shanks
P. O. Box 367

QUITMAN

Robert E. Covington, Jr.
Jeff Carter Bldg.
G. F. Dabbs, Jr.
P. O. Box 199
G. F. Dabbs, III
P. O. Box 371
Billy Ernest Harris
P. O. Box 304
Andrew J. Reese, Jr.
P. O. Box 231
Tally D. Riddell
P. O. Box 199
Charles W. Shepherd
P. O. Box 359
J. E. Shirley
P. O. Box 25
Peter K. Smith
200A S. Archusa Ave.

RALEIGH

S. W. Craft
Homer Currie
Crymes G. Pittman
P. O. Box 265
Luther David Pittman
Eugene C. Tullos
P. O. Box 74
Jerry Lawrence Yeager

RAYMOND

James H. Adams
G. Robert Ferguson
P. O. Drawer 89
William W. Ferguson
P. O. Box 300
Hugh B. Gillespie, Jr.
P. O. Box 146
Hugh B. Gillespie, III
P. O. Box 27
Andrew John Hannon
Rt. 1, Box 100
Thomas Van Magers
Faculty Dr.,
Hinds Jr. College
Joe G. Moss
P. O. Box 144

RICHTON

Louie F. Ruffin
P. O. Box 421

RIPLEY

Judge William H.
Anderson
Chancellor
Benton W. Elliott
Robert William Elliott
George W. Floyd, Jr.
Robert Sidney Hardin
H. G. Ladner, Jr.
120 Jefferson
Thomas E. Pegram, Jr.
P. O. Box 26
Marion D. Roten
P. O. Box 375
Fred B. Smith

ROLLING FORK

E. C. Clements
210 Locust St.
Rush M. Clements
210 Locust St.
Clay D. Cooley
303 Martin Ave.
Herman C. Glazier, Jr.
P. O. Box 368
Albert V. Miller
P. O. Box 193
J. Wesley Miller
P. O. Box 453

ROSEDALE

Joseph A. Eddins
John L. Pearson

RULEVILLE

Robert L. Crook
William M. Pittman, Jr.
646 Floyce St.

SALTILLO

John Leroy Long
Route 1

SEMINARY

J. Martin Mooney
P. O. Box 256

SARDIS

William E. Corr, Jr.
P. O. Box 450
H. M. Fant
P. O. Box 246
James McClure, Sr.
P. O. Box 246
James McClure, Jr.
P. O. Box 246

SENATOBIA

David E. Adams
505 B Longstreet

E. R. Arms
James E. Cahill, Jr.
P. O. Box 186
T. V. Speck Dixon
222 E. Main St.
Leon Edward Hannaford
P. O. Box 364
Roy E. Johnson
K M Bldg. 406 Main St.
Herbert Kirkland Moore, Jr.
210 S. Ward St.
L. P. Puryear
Dick R. Thomas
Hannaford Bldg.
Ward St.
Nathaniel G. Troutt
210 S. Ward St.
Raymond D. Williams
P. O. Box 302

SHAW

Raynold Chiz
P. O. Box 541

SHELBY

C. W. Burke
P. O. Box 88
Wayne Thompson

SOUTHAVEN

Robert Galtin Gilder
P. O. Box 55
Arthur E. Huggins
P. O. Box 8
B. G. Perry
P. O. Box 188
Rex Franklin Sanderson
P. O. Box 173
Ronald L. Taylor
P. O. Box 188

STARKVILLE

James E. Brown
P. O. Box 29
James A. Bryant
Route 4, Box 152-A
P. L. Douglas
103 W. Main St.
George F. Henry, Jr.
Court Square
Ben F. Hilbun, Jr.
P. O. Box 332
Douglas P. Lanier
103 W. Main
Edward F. McDowell
Court Square
William Quinn McKee
Court Square
John Paul Moore
P. O. Box 414
Charles P. Newell, Jr.
Rt. 2, Box 61
Gary R. Parvin
P. O. Box 782
Judge J. H. Richmond, Jr.
320 University Dr.
J. Wilmot Thomson, Jr.
P. O. Box 289
B. M. Walker, Jr.
P. O. Box 289
Will E. Ward
P. O. Box 6
William H. Ward
P. O. Drawer 59
Frank L. Watson
Route 1, Box 7A

STATE COLLEGE

William L. Richmond
P. O. Box 84

SUMNER

Carter Dobbs, Jr.
R. H. Henderson
P. O. Box 218
Joseph W. Kellum
James W. Pennington
P. O. Box 417
J. W. Whitten, Jr.

SUNFLOWER

Zelda S. Labovitz
P. O. Box 386

TUNICA

J. W. Dulaney, Jr.
William P. Dulaney
Martin Garner
Judge J. T. Lowe
Jack Norris Tucker
P. O. Box 332
Douglas L. Tynes
P. O. Box 834

TUPELO

George F. Adams
P. O. Box 706
M. T. Adams
P. O. Box 706
Sam H. Allen
647 Allen St.
C. R. Bolton
City Hall Bldg.
Paul Kent Bramlett
209½ Court St.
William H. Brewer
1609 Patterson
Fred M. Bush, Jr.
316 Court St.
F. M. Bush, III
P. O. Box 466
Gary Lee Carnathan
Rt. 3, Box 409
Dudley R. Carr
P. O. Box 234
Michael Dale Cooke
601 Magnolia Dr.
Glenn Davidson
P. O. Box 1026
Jeremy J. Eskridge
204 Nanney Dr.
Charles A. Evans, Jr.
P. O. Box 313
William W. Ford, III
P. O. Box 1146
Thomas J. Gardner, III
P. O. Box 466
Marshall Lee Graves, Jr.
1615 N. Clayton Ave.
Ralph Holland
Lumpkin Bldg.
Flavous L. Hutchinson
813 Varsity Dr.
Stephen Jackson
P. O. Box 682
Wade H. Lagrone
316 Court St.
William S. Lawson
Court St.
S. H. Long
P. O. Box 706
Richard Maynard
P. O. Box 590
Joseph L. McCoy
Court St.

Robert N. McNutt
316 Court St.
Kenneth E. Milam
2 Parc Monceau
B. T. Mitchell
1226 Houston St.
Guy W. Mitchell, Jr.
316 Court St.
Guy W. Mitchell, III
316 Court St.
W. P. Mitchell
P. O. Box 29
James L. Mounce
209½ Court St.
Roy O. Parker
2225 W. Main St.
Tulane E. Posey, Jr.
Route 1
Larry O'Neil Putt
Varisty Dr.
Cason Rankin
209½ Court St.
William Fred Randle
2225 W. Main St.
James Hugh Ray
Lumpkin Bldg.
Frank A. Riley
P. O. Box 1026
Jesse B. Rogers
551 N. Madison
Arthur Raye Sanders
920 S. Thomas
Robert E. Scribner
P. O. Box 736
David E. Shands
P. O. Box 673
Douglas D. Shands
P. O. Box 673
Billy W. Shelton
P. O. Drawer 589
Jimmy Douglas Shelton
504 Feemster Lake Rd.
Donald G. Soper
P. O. Box 590
Robert Fulton Thompson
P. O. Box 343
Robert Kimmons Upchurch
112 N. Broadway
James L. Weir
P. O. Box 1026
Carroll E. White
P. O. Box 289

TUTWILER

William O. Mayfield
P. O. Box 127

TYLERTOWN

Breed O. Mounger
P. O. Box 231
Breed O. Mounger, Jr.
P. O. Box 231

UNION

Marcus D. Gordon
P. O. Drawer M
John Keith Henry
P. O. Drawer M
Judge L. B. Porter
Chancellor

UNION CHURCH

Michael S. Allred
RFD

UNIVERSITY

Guthrie Abbott
School of Law
C. Samuel Beardsley
P. O. Box 4164
Joel Blass
School of Law
V. W. Bidden, Jr.
P. O. Box 1567
John A. Brooks
P. O. Box 1232
Harry L. Case, Jr.
P. O. Box 21
Thomas L. Cockrell
P. O. Box 2013
Aaron S. Condon
P. O. Box 337
Michael H. Cox
P. O. Box 4854
William D. Eshee, Jr.
P. O. Box 4937
Robert Sharp Foster
P. O. Box 1119
Joseph Paul Fuchs
P. O. Box 2763
George W. Howell
P. O. Box 104
Robert John Kelly
P. O. Box 4362
Robert Khayat
University of Miss.
George W. Stengel
School of Law
N. S. Sweat
School of Law
Stephen Robert Vaughan
P. O. Box 7077
Charles Harrison Walker
P. O. Box 5263
Parham H. Williams, Jr.
School of Law

UTICA

G. B. Carmichael
P. O. Box 65
Samuel N. Weaver
P. O. Box 276

VAIDEN

Luther S. Gilmer

VICKSBURG

Allen T. Akin
P. O. Box 991
William G. Beanland
First Natl. Bk. Bldg.
James P. Biedenharn
1201 Cherry St.
Ellis B. Bodron, Jr.
P. O. Box 669
William M. Bost, Jr.
602 First Natl. Bk. Bldg.
Gerald E. Braddock
P. O. Drawer 750
Alexander J. Brunini
810 First Natl. Bk. Bldg.
Nathaniel W. Bullard
914 Grove St.
Jack P. Canizaro
304 Hildegarde Terrace
George Chaney
P. O. Box 648
William M. Conerly, Jr.
2845 Clay St.
Lucius B. Dabney, Jr.
1515 Walnut St.
Robert L. Dent
Marchants Natl. Bk.
Bldg.
Watkins B. Duggins
200 Enchanted Dr.
David W. Ellis
P. O. Box 628

John E. Ellis
District Attorney
Frank E. Everett, Jr.
P. O. Box 991
Ellis J. Farris
1219 Monroe St.
Cedric L. Feibelman, Jr.
P. O. Box 768
John B. Gee
402 First Natl. Bk. Bldg.
V. W. Good
Merchants Natl. Bk. Bldg.
Judge Ben Guider
Circuit Court
Richard F. Heffel
P. O. Box 60
Charles D. Hosemann
810 First Natl. Bk. Bldg.
Nat J. Hovious
1300 Mulvihill
Lavonia C. Jones
1645 Chambers St.
Leonard Katzenmeyer, Jr.
P. O. Box 1079
Oscar P. Labarre
First Natl. Bk. Bldg.
Ernest Lane, III
P. O. Box 789
Wesley R. Lominick, Jr.
P. O. Box 789
Paul Kelly Loyancono
P. O. Box 669
Donald K. Marcus
1201 Cherry St.
Burkette H. Martin
Merchants Natl. Bk.Bldg.
George Gilmore Martin
P. O. Box 991
John Wayne Jabour
P. O. Box 1026
Raymond Beatty May
P. O. Box 1240
Wren C. May
P. O. Box 789
William F. McGehee
P. O. Drawer 751
George K. Mihalyka
Oakmont Manor 3A
Judge James E. Nichols
County Court
David Hugh Nutt
P. O. Drawer 750
John W. Prewitt
914 Grove St.
B. H. Quin
810 First Natl. Bk. Bldg.
James B. Ramsey
P. O. Box 669
W. W. Ramsey
P. O. Box 669
William W. Ramsey
P. O. Box 669
George W. Rogers, Jr.
1201 Cherry St.
Frank Shanahan, Jr.
402 Merchants Bk. Bldg.
Landman Teller
1201 Cherry St.
Landman Teller, Jr.
1201 Cherry St.
J. Stanford Terry
Merchants Natl. Bk. Bldg.
Judge J. D. Thames
P. O. Box 351
Lee Davis Thames
P. O. Box 669
Travis Thomas Vance, Jr.
914 Grove St.
M. Emmett Ward
Merchants Natl. Bk. Bldg.
Robert A. Weems
810 First Natl. Bk. Bldg.
John Wheeless, Jr.
P. O. Box 991

WALLS

Eugene L. McLemore
P. O. Box 2

WALNUT GROVE

James Palmer Brantley

WATER VALLEY

Judge Kermit R. Cofer
P. O. Box 287
Ben F. Horan
P. O. Box 648
John S. Throop
Fortinberry Bldg.
Dick Reynolds Wilhoit
Rt. 5, Box 119
Murray L. Williams
P. O. Box 468

WAVELAND

Lucien M. Gex, Jr.
P. O. Box 430

WAYNESBORO

Louie McCue Bishop
Lott Bldg.
Judge J. Shannon Clark
P. O. Box 168
Rankin Green
Azalea Dr.
Paul S. Griffith
P. O. Box 373
Joseph C. Hartley
724 Station St.
G. N. Jones, Jr.
P. O. Box 325
W. Vol Jones
P. O. Box 96
W. Vol Jones, Jr.
P. O. Box 96
John Cleveland Martin, Jr.
P. O. Box 191
Stanford Young
P. O. Box 372

WEBB

Robert H. Taylor, Jr.
P. O. Box 126

WESSON

Charles A. Ray, Jr.
Masonic Lodge Bldg.
Lewis J. Weeks, Jr.
P. O. Box 374

WEST POINT

Harvey S. Buck
203 Jordan Ave.
Howard Clark Coleman
P. O. Box 226
A. M. Edwards, Jr.
129 Jordan Ave.
James E. Hamlin
Davis Bldg.
W. G. Hamlin
P. O. Box 164
James Clay Hoskins, II
Jordon Ave.
Thompson McClellan
P. O. Box 165
Andren K. Naugle, III
202 Court St.

Albert Carpenter Pippen
202 Court St.
Lenore L. Prather
120 Jordon Ave.
Robert Brooks Prather
120 Jordon Ave.
L. F. Sams
Box 371
Thomas B. Storey, Jr.
129 Jordan Ave.
Joseph J. Stevens, Jr.
P. O. Box 324
Thomas J. Tubb
P. O. Box 324

WIGGINS

W. D. Blackwell
P. O. Box 66
Robert S. Newton
P. O. Box 337
Jack Parsons
P. O. Box 689
Toxey Hall Smith, Jr.
P. O. Drawer 8
Roy B. Strickland
P. O. Box 156
Donald M. Waits
P. O. Box 246

WINONA

Hugh L. Bailey
P. O. Box 133
Donald W. Bond
403 Sterling
William H. Liston
P. O. Box 375
John M. Sumner
102 S. Front St.
James C. Sumner
412 College St.

WOODVILLE

O. W. Catchings
Ronald John Senko
C. B. Tucker
Donald Edwin Walsh
P. O. Box 637
Richard T. Watson
P. O. Box 637
A. H. Sturgeon
P. O. Box 36
James E. Wilkerson, Jr.
P. O. Box 637

YAZOO CITY

J. S. Barbour
P. O. Box 174
Wiley J. Barbour
P. O. Box 960
W. H. Barbour
P. O. Box 960
William H. Barbour, Jr.
P. O. Box 960
Walter R. Bridgforth
Hegman Bldg.
L. W. Brown, Jr.
P. O. Box 5
T. H. Campbell, Jr.
P. O. Box 35
Thomas H. Campbell, III
P. O. Box 35
M. Kelly Collins
P. O. Box 314
L. Owen Cooper
P. O. Box 388
Edward G. Cortright, Jr.
108 E. Jefferson St.
Edgar Martin Crane
P. O. Box 122
Herman B. Decell
P. O. Box 960
Harry C. Griffith
Miss. Chemical Corp.
W. A. Henry
P. O. Box 960
John H. Hogue, Jr.
P. O. Box 82
John S. Holmes
108 E. Jefferson St.
H. M. Love, Jr.
Hegman Bldg.
Hugh Marshall Love, Jr.
P. O. Box 48
M. B. Montgomery, Jr.
421 E. Broadway
James H. Neeld, III
P. O. Box 388
Dan Nicholas, Jr.
P. O. Box 990
Griffin Norquist
P. O. Box 87
Hollaman M. Raney
P. O. Box 388
Ted Russell
P. O. Box 313
John C. Satterfield
P. O. Box 466
John Mack Varner
Oak Hill Dr.
Judge Louis J. Wise
County Court

ANNISTON, ALA.

Gus W. Colvin, Jr.
414 Commercial Bk. Bldg.
John G. Tyler
P. O. Box 334

AUBURN, ALA.

Robert R. Criss
Auburn University
Dept. of Economics &
Bus. Adm.

BIRMINGHAM, ALA.

Milton Anton
2313 Wexford Lane
Irvin H. Buchalter
1381 Swallow Lane
Robert M. Flynt, Jr.
P. O. Box 771
Louis A. Gily, Jr.
1925 Post Oak Rd.
Robert S. Major, Jr.
1785 Cornwall Rd.
George F. Maynard, III
First Natl. Bldg.
J. T. Wilkins, III
3995 Natchez Dr.

CHICKASAW, ALA.

Johnny M. Lane
129 Baratare Dr.

MOBILE, ALA.

Melvin Dovith
P. O. Box 2288
Y. D. Lott
P. O. Drawer 881
J. N. Ogden
104 St. Francis St.
James H. Brumby
6658 Zeigler Blvd.
William J. Huff
5917 Montfort Rd. South
Wright Patton
4538 Kingsway Dr.

MONTGOMERY, ALA.
J. S. Simmons
3415 Ridgefield Rd.
Hugh V. Smith, Jr.
719 First Natl. Bk. Bldg.
Howard M. Stroud
P. O. Box 270

SELMA, ALA.
Richard L. Watson
25 Edgewood St.

TUSCUMBIA, ALA.
Stanley E. Munsey
1035 Hemlock St.

ANCHORAGE, ALASKA
Robert K. Yandell
105 Turnagain Arms Apt

PHOENIX, ARIZONA
William Thomas Moroney
111 W. Monroe, 706
Ariz. Title Bldg.

SIERRA VISTA, ARIZ.
Fred P. Talmadge
P. O. Box 638

TUCSON, ARIZ.
Percy Knapp Alford
7051 Katchina Ct.

BENTON, ARK.
William T. Bundy, Jr.
503 Narroway

EL DORADO, ARK.
James E. Baine
P. O. Box 1024

FT. SMITH, ARK.
Charles Shuffield
4112 Fresno

HELENA, ARK.
Edward Grauman
326 Phillips St.

LITTLE ROCK, ARK.
Bud B. Whetstone
400 Tower Bldg.

TEXARKANA, ARK.
Philip B. Purifoy
3322 County Ave.

APO SAN FRANCISCO, CALIF.
Albert A. Covington
Staff Judge Advocate
HQ 1st Infantry Div.
Cyril T. Faneca, Jr.
PSC Division
Alton H. Harvey
Staff Judge Advocate
M. A. Methvin
HQ VRE F&A

CAPISTRANO, CALIF.
Boyd H. Reynolds
35451 Beach Rd.

GREENBRAE, CALIF.
David Dee Thomas
50 Via Belarde
Apt. 14

GRANADA HILLS, CALIF.
James Alfred Waits
11043 Aldea Ave.

HOLLYWOOD, CALIF.
Toxey Hall Smith
1800 N. Highland Ave.

LOS ANGELES, CALIF.
Bertrand D. Mouron, Jr.
107 S. Broadway
Frederick F. Straus
237 S. San Pedro

PASADENA, CALIF.
Sheldon Leroy Foreman
234 E. Colorado Blvd.
Suite 204

SAN FRANCISCO, CALIF.
William J. Lawler
615 Montgomery St.
Rosalind D. Sanders
1479 32nd Ave.

TWENTYNINE PALMS, CALIF.
Cecil E. Gantt
6955 Roberts Ave.

VANDENBERG AFB, CALIF.
Cecil J. Jaquith, Jr.
No. 6 Santa Marie St.

COLORADO SPRINGS, COLO.
Rowan Thayer Thomas
213 Mining Exchange
Bldg.

DENVER, COLO.
David Gross
1700 Broadway
Alvin L. Smith, Jr.
136 Magnolia St.

NEW HAVEN, CONN.
Douglas R. Daniels
58 Fountain St., Apt. B-2
Myres Smith McDougal
401-A Yale Station

ROCKVILLE, CONN.
Sims Marion Gaston, Jr.
673 Dart Hill Rd.

WEST HARTFORD, CONN.
Nathan Levy, Jr.
7 Craigmoor Rd.

WASHINGTON, D.C.

Thomas J. Campbell
1430 Longworth Bldg.
Robert Chadwick
6201 Cloverdale Dr.
J. Kenton Chapman
909 Tower Bldg.
W. M. Colmer
House Office Bldg.
Nannie Mayes Crump
304 4th St. S.E.
Marion E. Wright Edelman
3307 Fessenden St. N.W.
Carl J. Felth
805 810 18th St. N.W.
Ann Dodge Goodbee
4201 Mass. Ave. N.W.
John H. Holloman, III
2226 New Senate Off. Bldg.
Sam D. Knowlton
1636 44th St. N.W.
Margaret M. Laurence
753 Warner Bldg.
Douglas Heath Lefeve
IBM Corporation
Elliott C. Lichtman
1001 Connecticut Ave. N.W.
Samuel D. McIlwain
815 Conn. Ave. N.W.
Raymond W. Miller
2540 Mass. Ave. N.W.
Leonard E. Nelson
824 Conn. Ave.
Robert V. Pollard
Home Loan Bank Board
Harry Ross, Jr.
Warner Bldg.
William Mac Rouse
1405 Eye St. N.W.
Orville F. Rush
1034 Washington Bldg.
John C. Stennis
209 Senate Off. Bldg.
Duval Stoaks
2030 F St. N.W.
Michael B. Trister
1823 Jefferson Pl. N.W.
James T. Welch
1000 Vt. Ave. N.W.
Jamie L. Whitten
House Office Bldg.
W. Roberts Wilson, Jr.
1717 Penn. Ave. N.W.

WILMINGTON, DEL.

Enoch M. Overby, III
Legal Dept. Hercules Inc.

CLEARWATER, FLA.

George A. Mueller
2032 W. Ridge Dr.

COCOA, FLA.

Dr. Sylvester J. Hemleben
800 N. Fiske Blvd. #602

GAINESVILLE, FLA.

Ernest M. Jones
418 N.W. 29th St.
Winton E. Williams
Holland Law Center
Univ. of Fla.

JACKSONVILLE, FLA.

Wirt Adams Beard
P. O. Box 2909
James C. Blanton
P. O. Box 2575

MAITLAND, FLA.

D. S. Canning
700 Brookside Rd.

MIAMI, FLA.

John Richard Farrell
150 Southeast Second Ave.
S. William Fuller
3235 N.W. 62nd St.
Sidney B. Majure
4200 SW 82nd Ct.
John Witherspoon
880 N.W. 177th Ter.

NORTH MIAMI, FLA.

Richard Morton
1035 N.W. 125th St.

ORLANDO, FLA.

Maxene S. Paschal
7031 Cocas Dr.

PALM BEACH, FLA.

A. Obie Stewart
Fst. Natl. Bk. Bldg.

PENSACOLA, FLA.

Hugh Barr Miller, Jr.
Naval Air Station

TALLAHASSEE, FLA.

Joshua M. Morse, III
College of Law
Fla. State Univ.
Earl N. Vaughan
2415 Tamarack Ave.

TAMPA, FLA.

Andrew J. Mirabole
3008 N. Lincoln Ave.
Morris E. White
P. O. Box 1438

WEST PALM BEACH, FLA.

Will A. Nason
P. O. Box 1309

WILTON MANORS, FLA.

James J. Smith
2800 N. Andrews Ave.

WINTER PARK, FLA.

Kenneth L. Swarthout
P. O. Box 592

ATHENS, GA.

Samuel M. Davis
School of Law
Univ. of Georgia

ATLANTA, GA.

Thomas A. Bowman
153 Pryor St. SW
Thomas A. Buford
2980 Buford Hwy NE

Overton A. Currie
1405 Fulton Natl. Bk. Bldg.
Robert A. Demetz
3901 Cambellton Rd.
Doris Elizabeth Gray Fondren
1202 Glenwood Ave. SE
James R. Harland, Jr.
822 Fulton Fed. Bldg.
J. B. Hough
P. O. Box 5077
Thomas I. Kent
290 Hillwick Court NE
George R. Lewis
200 Franklin Rd. NE
Thomas Davis Yarbrough
P. O. Box 29921

FORT BENNING, GA.
Robert Payne Moore
P. O. Box 1686

FORT GORDON, GA.
Douglas M. Magee
Office of Staff Judge Advocate

FORT OGLETHORPE, GA.
Paul Montgomery, Jr.
106 Gilbert Circle

LOCUST GROVE, GA.
Janette Blair Clark

MACON, GA.
Thomas L. Adams
1630 Millirons Rd.

ST. MARYS, GA.
Walter Thomas Hendrix
P. O. Box 556

VALDOSTA, GA.
Horace M. Watkins
2308 Pine Cliff Dr.

CHAMPAIGN, ILL.
Virgil W. Burgess
1106 N. Champaign St.

CHICAGO, ILL.
John J. O'Brien
111 W. Jackson Blvd.
Paul P. Pennick
332 S. Mich. Ave.

ELMHURST, ILL.
Frank L. Calderala
714 S. Parkside Ave.

ELWIN, ILL.
Jerry L. Patton
P. O. Box 48

EVANSTON, ILL.
Martha M. Parsons
141 A Callan Ave.

MOUNT CARMEL, ILL.
Tom B. Warner
112 E. 11th St.

OFALLON, ILL.
Cary Alton Phillips
904 Juniper Dr.

PEORIA, ILL.
Martin E. Horn
414 W. Greenway Pl.

PRINCETON, ILL.
Howard B. Trimble
111 Park Ave. East

ROBINSON, ILL.
E. K. Correll
205 Michael Dr.

ROCK ISLAND, ILL.
Lewis H. Day
319 Eighteenth St.

SPRINGFIELD, ILL.
George Blue
1161 N. 3rd

FORT WAYNE, IND.
Ralph B. Elston
1505 Hickory

INDIANAPOLIS, IND.
Harry L. Schroeder
7156 Kingswood Circle

NEW HARMON, IND.
James M. Fleming, Jr.
P. O. Box 572

FORT CAMPBELL, KY.
Randall Wall
HHC USAGAR

GLASGOW, KY.
John Basil Preston

LOUISVILLE, KY.
Charles G. Thomas
1800 Knollwood Rd.

MAYFIELD, KY.
Roscoe Cross
Route 5

ARCADIA, LA.
J. Rush Wimberly
P. O. Box 59

BATON ROUGE, LA.
Louis G. Baine, Jr.
721 Government St.
Henry A. Brumfield, III
P. O. Box 1486
Ted L. Jones
4307 Plank Rd.
James W. Leake
3769 Scholor Ct.
Charles W. Phillips
P. O. Drawer 2471

COVINGTON, LA.
Robert A. Anderson, Jr.
P. O. Box 36

GRETNA, LA.
Jessie David Parnell
106 Bolton St.

HOUMA, LA.
Julius W. Grubbs
P. O. Box 223

KENNER, LA.
Samuel W. Ethridge
1103 Williams Blvd.

LAKE CHARLES, LA.
McInnis L. Ward
2605 Prienwood Dr.

LAFAYETTE, LA.
W. S. Gordon, Jr.
P. O. Box 1283
Bob P. Griffith
P. O. Box 1743
Ruffin T. Lowry
P. O. Box 1673

METAIRIE, LA.
Wayne A. Bigner
3129 43rd St.
D. K. Galtney
P. O. Box 127
James R. Hicklin
2935 Ridgelake Dr. G3
Robert E. Hill
1920 Caesar St.
Howard O. Leach
221 E. Gatehouse Dr.
Joann Taylor Myers
3500 Division St.

MONROE, LA.
Tyrus Cobb Gibbs
Rt. 3, Box 324T
John E. Mulhearn
1810 Emerson

NEW ORLEANS, LA.
Beverly C. Adams
8318 Sycamore Pl.
William H. Beck, Jr.
225 Baronne Bldg.
John M. Bee
1010 Whitney Bldg.
J. B. Brumfield
1111 Tulane Ave.
Tom P. Caldwell
P. O. Box 60626
Carl S. Downing
Whitney Bk. Bldg.
Carl Eugene Drake
1610 Robt. E. Lee Blvd.
Wm. George Grayson, Jr.
Haskins & Sells CPA
Trade Mart
Abner E. Hughes
225 Baronne St.
Ralph S. Johnson
P. O. Box 60626
John W. Kelly, Jr.
P. O. Box 60252
S. Allen Lackey
Shell Bldg.
Robert E. Lowry
2214 Albert Apt. 102
Jesse D. Puckett, Jr.
P. O. Box 61812
Harold James Schneider
2246 Carondelet—2F
David Smith
P. O. Box 50879
David M. Smith
P. O. Box 50879
W. Malcolm Stevenson
1424 Whitney Bk. Bldg.
George M. Strickler, Jr.
4703 Prytania St.
Vernon Lagrange Terrell
P. O. Box 60193
Joseph Ray Terry, Jr.
3300 Garden Oaks Dr.
John L. Toler
1500 Natl. Bk. of Commerce
James E. Welch
237 Carondelet St.
Joseph V. Wilson, Jr.
800 the Calif. Bldg.
William G. Wright, Jr.
1111 Tulane Ave.

RUSTON, LA.
J. C. Seaman, Jr.
La. Polytechnic Institute

SLIDELL, LA.
Augustus Albert Simpson, Jr.
420 Country Club Blvd.

VIDALIA, LA.
William L. Koerber
P. O. Box 277
Harry J. Rosenthal
1620 Camellia St.
L. H. Rosenthal
201 Pine St.

BETHESDA, MD.
Frederick Eugene Moss
6120 Temple St.

BOWIE, MD.
Donald E. Mullen
12516 Windover Turn

CLINTON, MD.
Jack D. Warren
7552 Eastwood Ct.

PARKTON, MD.
Robert P. Roberts, Jr.
Foreston Rd.

SILVER SPRING, MD.
Peter M. Stockett
P. O. Box 2124

CAMBRIDGE, MASS.
Alvin J. Bronstein
78 Mountauburn St.

RANDOLPH, MASS.
Marshall G. Bennett, Jr.
6 Army St.

ANN ARBOR, MICH.
John L. Thompson
Ann Arbor Trust Bldg.

MT. PLEASANT, MICH.
Kavanaugh P. Wood, Jr.
129 E. Broadway

LITTLE FALLS, MINN.
David Alan Gustafson
47 Golf Rd.

BLUE SPRINGS, MO.
Charlie J. Elsea
808 Mock Ave.

CALEDONIA, MO.
Donald Gene Laird

GLENDALE, MO.
Michael H. Stauder
866 Chelesea Ave.

JEFFERSON CITY, MO.
Kenneth Mitchell Romines
1002 W. Main St.

KANSAS CITY, MO.
Duane W. Chisman
4406 E. 107th Terrace
Stanley M. Cox
1221 Romany Rd.
T. A. Hartley
124 Meadow Lake Off. Bldg.

KENNETT, MO.
James C. Bullard
203 College Ave.

POPLAR BLUFF, MO.
Frank Thompson Hearne
P. O. Drawer 1007

RAYTOWN, MO.
Edwin P. McKaskel
11306 E. 61st Terrace

SIKESTON, MO.
James N. Stearns, Jr.
918 Vernon Ave.

ST. LOUIS, MO.
R. Boyd Pickens, Jr.
7931 Forsyth Blvd.

CHERRY HILL, N.J.
Russell A. Johnson
801 Cooper Landing Rd.

MIDDLETOWN, N.J.
Jesse W. Eavenson
17 Ballantine Rd.

VINELAND, N.J.
Charles John Girard
P. O. Box 554

WOODBRIDGE, N.J.
Lee A. Stricklin, Jr.
1 Hess Plaza

ALBUQUERQUE, N.M.
Michael Lawrence Keleher
P. O. Drawer AA

WHITE SANDS MISSILE RANGE, N.M.
Joseph L. Herring
108 Annistor Ave.

APO NEW YORK, N.Y.
Grier J. Gregory
503D Admin. Co. ORB
William W. Franklin
8th Infantry Div.
Douglas B. Lewis
U.S. Army Med. Comm. Europe
Robert B. Sessums
Office of SJA

FPO NEW YORK, N.Y.
Robert Erskine Broach
COM-CRU-DES FLOT 8
Milton W. Kirkpatrick, Jr.
U.S. Naval Station

HARTSDALE, N.Y.
George Earl Parker
80 E. Hartsdale Ave.
Apt. T. 20

HUNTINGTON STATION, N.Y.
Warren P. Palzer
597 Old Country Rd.

NEW HARTFORD, N.Y.
Raymond P. Laduc
RD 2 Campion Rd.

NEW YORK, N.Y.
Allen H. McCreight
301 E. 69th St.
Hugh V. Sherrill
44 Wall St.
Mitchell Emmett Ward, III
220 E. 42nd St.

ROCHESTER, N.Y.
Barron C. Ricketts
253 Alexander St.

SARATOGA SPRINGS, N.Y.
Joseph N. Corsale, Jr.
107 Walnut St.

CHARLOTTE, N.C.
William H. McMullen, Jr.
1450 Academy St.
Avery Martin Springer, Jr.
2111 Canterwood Dr.
Apt. 3

CLEMMONS, N.C.
Myron H. McBryde
Rt. 3, Beaver Brook Rd.

FRANKLINTON, N.C.
James Larry Senter
24 S. Main St.

GOLDSBORO, N.C.
John J. Franco, Jr.
317 Westover Rd.

GREENSBORO, N.C.
Russell Johnson
2405 Laramie Dr.

RENO, NEV.
Clovis E. Bull
705 Winston Dr.
Stephen M. Stephens
P. O. Box 121

BARTLESVILLE, OKLA.
Wiley C. Hill
1401 SE Grandview

LAWTON, OKLA.
Michael B. Gratz
120 NW 44th St. D-8

MUSKOGEE, OKLA.
Losie V. Watkins, Jr.
P. O. Box 1367

OKLAHOMA CITY, OKLA.
R. W. Featherstone
2000 Classen Center North

CINCINNATI, OHIO
Donald Reagan Stacy
2515 Burnet Ave.
Apt. 906

COLUMBUS, OHIO
D. P. Newton
5866 Timber Dr.

SALEM, OREGON
Arthur B. Custy
College of Law
Williamette University

BETHLEHEM, PA.
William C. Ryback
12 E. Fourth St.

PHILADELPHIA, PA.
James Knoll Gardner
1617 Land Title Bldg.

PITTSBURGH, PA.
Irwin W. Coleman
Box 1166
Gulf Oil Corp.
Idna L. Fischer
1714 Beechwood Blvd.

CHARLESTON, S.C.
Russell D. Thompson
2322A N. O'Neal Ave.
Ernest B. Lipscomb, III
P. O. Box 5207

RAPID CITY, S.D.
Richard J. Lee
4116 Brookside Dr.

CHATTANOOGA, TENN.
Walter E. Grantham, II
409 Bouton Dr.
John N. Nassar
523 Lupton Bldg.

COOKEVILLE, TENN.
John U. Miller, III
715 Old Kentucky Rd.

DYERSBURG, TENN.
Ralph I. Lawson
P. O. Box H

JACKSON, TENN.
James W. Abernathy, Jr.
P. O. Box 841
George W. Hymers
1400 Hollywood Dr.

MEMPHIS, TENN.
Ben C. Adams
Suite 2020
1st Natl. Bk. Bldg.
Lynn Allen Agee
167 N. Main
Louis Feree Allen
2410 Sterick Bldg.
Paul Marion Baddour
1887 Latham St.
John D. Blaylock
Suite 201
44 N. Second St.
James L. Bonner
1446 Wheaton
W. Kerby Bowling
555 Perkins Extended
Walter Buford
932 Commerce Title Bldg.
James V. Coggin, Jr.
167 N. Main St.
Ferdinand Prince Cribbs, Jr.
Apt 3, 5859 Poplar Pike
Oscar Earl Davis, Jr.
3395 Clearbrook St.
Ralph D. Davison
3440 Dell Glade Dr.
Elwood L. Edwards
900 Memphis Bk. Bldg.
E. Allen Gardner
Suite 201
44 N. Second St.
Ben D. Gilliland, Jr.
1016 Falls Bldg.
J. Frank Hall
1030 100 N. Main Bldg.
Joseph B. Jones
1106 81 Madison Bldg.
Robert A. Lanier
4151 Hilldale
William E. Marston
705 Union Planters Natl. Bk.
Robert L. McChaney, Jr.
2020 1st Natl. Bk. Bldg.
G. Thomas McPherson
1331 Union Ave.
Paul O. Miller, III
555 S. Perkins Extended
Charles M. Murphy, Jr.
602-4 Dermon Bldg.
Thomas H. Pigford
1343 Turkey Run Lane
Richard G. Pitchford
545 Kinsman Rd.
A. L. Pressgrove, Jr.
1301 Lincoln Amer. Tower
Arthur Earl Ray, Jr.
1368 S. Faronia Sq.
Lackey Rowe, Jr.
5933 Poplar Pike Ext. 5
Guy M. Rowland
5331 Sea Isle Rd.
Leeolin V. Russell
P. O. Box 367
Harold C. Streibich
1350 Commerce Title Bldg.
Herman E. Taylor
147 Jefferson Ave.
Michael Byron Taylor
863 N. Willett
C. Wilson Viar, Jr.
P. O. Box 18127
John T. Wilkinson, Jr.
44 N. Second St.

MILLINGTON, TENN.
Curtis S. Person, Jr.
% Curtis Person Chev. Co.
Hardy R. Stennis
573 John Paul Jones Ave.

NASHVILLE, TENN.
Hampton Stennis Little, Jr.
330 Wilmbledon Rd.
Hunter S. Neubert
159 Oak Valley Dr.

RIPLEY, TENN.
James Thomas Caldwell
113 Williams

SAVANNAH, TENN.
Howard D. Lowrance
P. O. Box 190

SELMER, TENN.
Wayne Bolton
255 Maple St.

SIGNAL MOUNTAIN, TENN.
Royce L. White
1014 Crown Point Rd. E.

UNION CITY, TENN.
Hardy M. Graham
Old & Third Natl. Bk. Bldg.

ARLINGTON, TEXAS
Charles L. McReynolds, Jr.
2313 Briarwood

BELLAIRE, TEXAS
William Jefferson East
4503 Larch Lone

BUCHANAN DAM, TEXAS
Phillip Gerald Harris

CORPUS CHRISTI, TEXAS
W. H. Bennett, Jr.
5030 Cape Romain
Eugene Love Fair
Cnavantra Naval Air Station

CRANE, TEXAS
Samuel Herbert Miller
1107 Frances St.

DALLAS, TEXAS
Joe B. Chandler, Jr.
4132 Purdue St.
Jan P. Charmatz
SMU School of Law
P. O. Box 8245
Robert Walter Collins
4412 Edmondson Ave.
Jack Pendleton Leigh
P. O. Box 2855

DENTON, TEXAS
May S. Ringold
Apt. 212, 191 Ruddel

FORT WORTH, TEXAS
William T. Alvis
6221 Genoa Rd.
Robert A. Walker
3712 Slade Blvd.

HOUSTON, TEXAS
Robert M. Bass, Jr.
P. O. Box 2180
Walter J. Blessey, IV
2602 Tenneco Bldg.
Rees T. Bowen
1700 Bk. of the S.W. Bldg.
Billy K. Chapman
6166 Olympia Dr.
Murray Christian
P. O. Box 1521
Robert C. Kelley
P. O. Box 22546
H. P. Pressler, Jr.
1122 S.W. Tower
Ralph D. Pruett, Jr.
9823 Emnora

KATY, TEXAS
Thomas H. Scruggs
1606 Heights Dr.

KINGSVILLE, TEXAS
Robert B. Vickery
Training Squad 23
Naval Air Station

LEWISVILLE, TEXAS
T. E. Edmonds
P. O. Box 532

PERRYTON, TEXAS
Edward L. Atkinson
P. O. Box 520

RICHARDSON, TEXAS
George T. Sullivan
203 S. Lois Lane

SAN ANTONIO, TEXAS
B. B. Ford
829 Canterbury Hill

SHEPPARD AFB, TEXAS
Paul V. Dixon
106 A Atlas St.

SQUIN, TEXAS
John B. Abernathy
Rt. 4, Box 301B

TYLER, TEXAS
Charles B. Doyle, II
1801 Blossom Lane

WACO, TEXAS
Guy C. Mitchell
P. O. Box 6392

TOOELE, UTAH
Donald A. Deline
Asst. Post Judge Adv.

ALEXANDRIA, VA.
W. E. Ainsworth, Jr.
6421 King Louis Dr.

Lloyd L. Martin
8 S. Van Dorn St.—42
Lawrence S. McWhorter
4561 Southland Ave.
Dan S. Murrell
6481 Frenchmens Dr.
Charles J. Swayze, Jr.
8561—102 Richmond Hwy.
George S. Whitten
8207 Glyn St.

ANNANDALE, VA.

Grover Michael Myers
4325 Americana Dr.
Apt. 102

ARLINGTON, VA.

Burns M. Deavours
4501 Arlington Blvd.
Apt. 202
Elwyn J. Darden
5209 6th Place South
Francis L. Hall
1800 N. Edgewood St.
William D. M. Holmes
815 S. 18th St.,
Apt. 410
Louis A. Pavlik
931 S. Buchannan St.
Apt. 36
Elmo Avery Rollins, Jr.
2341 N. 11th St.
Apt. 304

BON AIR, VA.

Roger L. Tuttle
4190 Traylor Dr.

CHARLOTTESVILLE, VA.

Fred N. Colmer
P. O. Box 1301

FAIRFAX, VA.

Francis M. Harris
10119 Blue Coat Dr.

FALLS CHURCH, VA.

Robert A. Bridges
6018 Hardwick Pl.
Raymond Mize Conner
202 N. Virginia Ave.
Terry J. Dalton
6339 Crosswoods Dr.
James L. Davis, Jr.
2600 Faber Ct.
John H. Gordon
208 E. Columbia St.
James M. Menger, Jr.
7606 Marian Ct.
James F. Shumate, Jr.
7011 Roundtree Rd.
Lura M. Womack
3020 Cedar Hill Rd.

FORT EUSTIS, VA.

Charles Richard Gear
110D Thompson Circle

McLEAN, VA.

Joe L. Howell
6317 Mori St.
James Roy Jones
P. O. Drawer Z

NORFOLK, VA.

Billy Joseph Legg
BOQ A51
Naval Station

NORTON, VA.

Hoke I. Horne, II
214 Chestnut St.

SPRINGFIELD, VA.

Lem Cabaniss, Jr.
6217 Dana Ave.
William P. Cassedy
7418 Flora St.
William Byron Harvey
5913 Noblestown Rd.
Apt. 42

VIENNA, VA.

John Donovan Ready, Jr.
2705 Keystone Lane
Apt. 204

BELLEVUE, WASH.

Warren Harding Adam
10427 S.E. 14th St.

FORT LEWIS, WASH.

John G. Lee
11th Judicial Circuit

SEATTLE, WASH.

Robert E. Levy
810 Third Ave.

TACOMA, WASH.

James R. Walsh
701 S. 51st Ave.

UNION, W.V.

Michael Clay Smith
P. O. Box 211

FRIENDSHIP, WISC.

Sidney F. Beck, Jr.
514 Main St.

TOKYO, JAPAN

Donald B. Samuels
CPO Box 1898

SAN JUAN, PUERTO RICO

Ramon Lomba Miranda
P. O. Box 3504

MISSISSIPPI LAW JOURNAL

GENERAL INDEX

VOLUME XLI
1969-70

Published by
MISSISSIPPI STATE BAR
and
UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW
UNIVERSITY, MISSISSIPPI

GENERAL INDEX

TOPIC INDEX

ADMINISTRATIVE LAW

Determination of Administrative Bodies Usually Supported in Courts 434

ADMIRALTY

Absolute Liability of Shipowner for Unseaworthy Vessel 142
Burdens of Proof 146
Causes of Action for Injured Seamen 142
Claims for Unseaworthiness, Maintenance and Cure May Be Heard Together, Under Jones Act 149
Comparative Negligence in 146
Congressional Intent That Fixed Platforms Be Within Admiralty Jurisdiction.. 172-3
Contributory Negligence in 146
Custom and Practice as Evidence of Unseaworthiness 149
Duty of Seaworthiness Compared to Contractual Warranty 144
Duty of Shipowner to Furnish Reasonably Suitable Appliances 143
Extension of Jones Act to Apply to Fixed Drilling Platforms 174-75
Failure of 5th Circuit to Follow U.S. Supreme Court on Theory of Maritime Insurability 152
Federal Requirements for Jurisdiction of Maritime Law Cases 145
Fitness of Crew 146
Humanitarian Protection for All Engaged in Maritime Service 150
Jones Act Not Applicable to Employees on Offshore Drilling Platforms 169
Maritime Torts Resulting in Death 151
Negligence and Unseaworthiness Combined 145
Recent Developments in Unseaworthiness Doctrine in 5th Circuit 142
Relationship of Common Law Rules of the Liability of Possessions of Land to.. 152
Removal of Offshore Drilling Platforms From Adm. Jur. 170
Res Ipsa Loquitur Applied to Unseaworthiness Actions 146
Seaworthiness, Defined 144
Shipowner's Absolute Liability for Temporary Unseaworthiness 148
Shore-Based Workers 150
State Death Acts and General Maritime Law 151

AGRICULTURE

Agricultural Adjustment Act 422
Agricultural Allotments 422-43
Agricultural Employer's Immediate Family Not Covered by 1966 Amendment to Fair Labor Standard Act 413
Allotment Appeals Allowed After Crop Is Planted 436
Allotment System Described 422-24
Appealing Agricultural Allotments, Choice of Court 434
Appealing Allotment Determination of the State Commission 437-41
Appealing Marketing Quota 424
Appealing Decisions of Secretary of Agriculture 442-43
Application of Administrative Procedure Act on Allotment Appeal 439
Child Employees 419-20
Classes of Exemptions on Exclusions to Prevent the Agricultural Employee From Being Entitled to the Minimum Wage 409

County Committee for Acreage Allotments 423-24
Court Review of County Commission Decisions 432-34
Courts May Not Fix and Allocate the State Reserve 438
Employee Qualifying for the Minimum Wage 419
Establishment of Marketing Quota for Cotton 423
Exception to Time Limit for Filing Appeal of Marketing Quota 425
Fair Labor Standards Coverage for Agricultural Employees 409
Farmer Approval of Marketing Quota 423
Function of Local Review Committee 427
Jurisdiction of Local Review Committee 425-26
Minimum Wage Law 421
Role of Courts in Deciding Appeals of Agricultural Allotments 435-36

ATTORNEY
Client Relations 250, 252
Establishing Practice 249
Final Argument 268
Introducing Evidence 263
Opening Statements 263
Plaintiff's Lawyer 233
Preparation for Trial 247, 256
Preparation of Instructions 267
Selecting a Jury 260
Settlement Negotiations 254

ATTORNEY AND CLIENT
Client Relations 250

BAR
Plaintiff's Lawyer 245

CAPITAL
Contribution of Capital by New Partner Covering Selling Your Interest 321
Contribution to Partnership 314-16

CHARITIES
Charitable Immunity 483-84

CIVIL LAWS
Aggregate Theory as Regards Partnership Entity Concept 312

CIVIL RIGHTS
Colleges and Universities Not an Open Forum for Outside Speakers 136
Do College Students Have a Constitutionally Protected Right to Hear Outside Speakers? 135
Freedom to Learn 139
Standing of Students to Challenge School's Denial of Permission for Outside Speaker 136
Policy Reasons for Excluding Outside Speakers From Campuses 138
Unfettered Right to Receive Mail 137

CLASS ACTIONS
Initial Development of Class Action in Federal Court 380

COLLEGES & UNIVERSITIES
Do College Students Have a Constitutionally Protected Right to Hear Outside Speakers? 135
Freedom to Learn 139
Not an Open Forum for Outside Speakers 136
Overturning of Administration Denials of Permission for Outside Speakers on Campuses 136
Policy Reasons for Excluding Outside Speakers From Campuses 138
Regulation of Time, Place, and Manner of Outside Speakers on Campus 141
Standing of Students to Challenge School's Denial of Permission for Outside Speaker 135

COMMERCE
Fair Labor Standards Act 419
Goods Produced for Commerce 414

COMPARATIVE NEGLIGENCE
In Admiralty 146

CONFLICT OF LAWS
Conflict Between Norris-La Guardia Act and Taft-Hartley Act 628
Consumer Actions 395

CONSTITUTIONAL LAW
Colleges and Universities Not an Open Forum for Outside Speakers 136
Conscientious Objector Exemption as a Violation of the First Amendment 620
Conscientious Objector Exemption for Those Who Oppose *All* Wars 625
Conscientious Objectors, Requirements 624
Do College Students Have a Constitutionally Protected Right to Hear Outside Speakers? 135
Equal Protection for Conscientious Objectors, Rigorous Training 624
Freedom to Learn 139
Motion Pictures Are Within Basic Protection of 1st and 14th Amendments 611
Overturning of Administration Denials of Permission for Outside Speakers on Campuses 136
Policy Reasons for Exclusion of Outside Speakers on Campuses 138
Protection of Students' Rights to Hear Outside Speakers 137
Regulation of Time, Place, and Manner of Outside Speakers on Campuses 141
Requirement of License for Motion Pictures Is Not Illegal "Prior Restraint" 612
Right to Jury Trial as a Due Process Guarantee Mandatory Upon the States 602
Standing of Students to Challenge School's Denial of Permission for Outside Speaker 136
Unfettered Right to Receive Mail 137
Zoning as Being Constitutional 271

CONTRACT
Court's Power to Enforce No-Strike Clause in Labor Contracts, Support for 627
Court's Use of Injunction for Violation of No-Strike Clause 627
Effects on Disposition of Estate 182
Encouragement of Arbitration as a Policy Basis to Allow Courts to Enforce No-Strike Clause 630
Labor Agreement Must Be Enforced Equally on Both Sides 633

Labor and Management Compelled to Conform Self-Help Activity to Terms of Contract 630
Option Land 340

CONTRIBUTORY NEGLIGENCE
In Admiralty 146

CORPORATIONS
Masonite Corp. 160

COUNTIES
Not Liable for Tort in Absence of Statute 289-90
Role in Distributing Acreage Allotments 423-24

COURTS
Addition of Judges to Relieve Congested Dockets 24
Administrative Director to Appoint Temporary Circuit, Chancery, or County Judge in Mississippi 24
Alleviation of Congested Dockets 23
Better Compensation for Judges in Mississippi 27
Burden of Proof in Admiralty Cases 146
Commission on Judicial Qualifications, Need for in Mississippi 27
Compilation of Judicial Statistics in Mississippi 28
Desirability of State Agency for Collation of State Court Statistical Reports 23
Direction of Office of Administrator of Courts in Mississippi by Supreme Court of Mississippi 24
Disparity in Sizes of Dockets in Mississippi Courts 23
Disparity in Types of Cases in Mississippi Courts 23
Duties of Administrator of Courts in Mississippi 24
Efficiency of Mississippi Courts 23
Experience and Education Requirements for Mississippi Judges 30
Failure of 5th Circuit to Follow U.S. Supreme Court on Theory of Maritime Insurability 152
Fifth Circuit Definition of "Seaworthy" 144
Financial Allowances for Judges in Mississippi 29
Financial Disclosure of Judges in Mississippi, Recommendations for 27
Fitness of Crew in Admiralty Cases 147
Intermediate Appellate Court, Alleviation of Necessity for in Mississippi 24
Judges' Salaries in Mississippi 29
Lack of Uniformity in Administration of Circuit and Chancery Courts 23
Mississippi Chancery, Circuit, and Supreme 578
Mississippi Judiciary Commission to Assist Legislature 28
Mississippi Retirement Plans for Judges 30
Nation-wide Concern With Spot-Zoning 156
Need for Creation of Office of Administrator of Courts in Mississippi 24
Overturning Denials of Permission for Outside Speakers on Campuses 136
Proposed Mandatory Retirement Age for Judges in Mississippi 31
Proposed Salaries for Judges in Mississippi 30
Recent Developments in Unseaworthiness Doctrine in 5th Circuit 142
Recommendations of Mississippi Judiciary Commission Relating to 32
Redistricting for Alleviation of Congested Court Dockets 23
Removal Procedures for Judges in Mississippi, Need for 27
Requirements for Federal Court Jurisdiction of Maritime Law Cases 145

Supreme Court of Mississippi; Chief Justice of, Time Consumed by Administrative Matters 23
Supreme Court of Mississippi; Presiding Justice of, Time Consumed by Administrative Matters 23
Survey of Judges by Age in Mississippi 31
Temporary Assignment of Trial Judges to Relieve Congested Dockets in Mississippi 24

CRIMES
Water Pollution 355

CRIMINAL LAW
Recommendations of Mississippi Judiciary Commission for Administration of... 32

DAMAGES
Caused by Laying a Second Pipe Line 490-97
Plaintiff's Ability to Prove Liability and Damages 402

DEEDS
As Will Substitutes 178-80
Constructive Delivery in Mississippi 399
Conveyance of Vested Interest at Time of Writing Necessary to Validity as Will Substitute 179
Delivery and Acceptance Necessary to Validity as Will Substitute 179

DESCENT AND DISTRIBUTION
Wrongful Conduct as Bar to Heirs Taking 359
Wrongful Conduct Prohibiting Taking 359

DISTRICT ATTORNEYS
Inclusion in Insurance Plans 29

DUE PROCESS
Class Actions 381
Necessary Procedure of Motion Pictures Licensing Boards 612
Requirement of Jury Trial to Meet Standard of Due Process 592

EMPLOYEES
Agricultural Employees and the Minimum Wage 417
Child Employees in Agriculture 420
Classes of Exemptions or Exclusions Preventing the Agricultural Employee From Being Entitled to the Minimum Wage 409
Coverage Under the Fair Labor Standards Act 418
Fair Labor Standards Coverage for Agricultural Employees 409
"Found-Dead" Persumption 233
Member of the Agricultural Employees Immediate Family Is Not Covered by the 1966 Amendment to the Fair Labor Standards Act 413
Mines and Quarries 416
Minimum Wage Law 421
What Constitutes an Employee 411

ENVIRONMENT LAW
Class Actions 393

EQUITY
Mississippi Chancery Court as a Court of Equity 578

ESTOPPEL
Collateral Estoppel in Multiple Tort Claims 497-507

EVIDENCE
Admissibility of Computer Print-Outs of Business Records as 604
Admissibility of Computer Print-Outs of Business Records as, Mississippi 607
Admissibility of Computer Print-Outs of Business Records as, Other States 604
Best Evidence Rule 604
Business Entries Exception 605
Custom and Practice as Evidence of Unseaworthiness 149
Expert Testimony 282, 287
Introducing Evidence 263
Mississippi Shop Book Rule .....
Non-Expert Witnesses Before Zoning Board 281-82
Presented to Zoning Board 280
Presumptions, "Found-Dead" 233
Presumptions, General 235, 237-41, 244
Uniform Business Records as Evidence Act 605
Uniform Rules of Evidence 605

FEDERAL PROCEDURE
Burden of Proof in Admiralty Cases 146
Burden of Proof on Libelant to Show Unseaworthiness 146
Federal Rules of Civil Procedure 485-86, 506
Requirements for Federal Court Jurisdiction of Maritime Law Cases 145

FIRST AMENDMENT
Do College Students Have a Constitutionally Protected Right to Hear Outside Speakers? 135
Freedom to Learn 139
Overturning of Administration Denials of Permission for Outside Speakers on Campuses 136
Policy Reasons for Excluding Outside Speakers From Campuses 138
Protection of Students' Rights to Hear Outside Speakers 137
Regulation of Time, Place, and Manner of Outside Speakers on Campuses .. 141
Standing of Students to Challenge School's Denial of Permission for Outside Speaker 136
Unfettered Right to Receive Mail 137

FOURTEENTH AMENDMENT
As Applied to States' Requirement of Jury Trial 602

FREE SPEECH
Colleges and Universities Not an Open Forum for Outside Speakers 136
Policy Reasons for Excluding Outside Speakers From Campuses 138
Protection of Students' Rights to Hear Outside Speakers 137
Unfettered Right to Receive Mail 137

FULL FAITH AND CREDIT
Collateral Estoppel in Multiple Claimant Actions 502-05

GIFTS
As Will Substitutes 182-84
Elements of Gift *causa mortis* 183
Elements of Gift *inter vivos* 183
General Legacies 346
Partnership Interest 316
Special Legacies 346

HEARINGS
Before the Mississippi Judiciary Commission 82

HOMESTEAD
Execution and Recordation of Deeds 341

INJUNCTION
Courts Use of Injunction for Violation of No-Strike Clause 627
Disappearance as Remedy in Cases of Alleged Unfair Labor Practices 167
Effect of Court's Injunction Power on Arbitration Process .....
Effect of Norris-La Guardia Provision on State Courts 161
Effect of Remedy in Cases of Unfair Labor Practices Contrary to Congressional Policy 167
Pollution Control 355
Power of Injunction Not Taken From State Courts Under Section 301 of Taft-Hartley Act 163
Section 4 of Norris-La Guardia Act, Conflict in Third and Sixth Circuit 163
Section 4 of Norris-La Guardia Act, Supreme Court Avoidance of Question of Applicability to State Courts 164
State Court Injunction Against Labor Strike 630
Use of Injunctions to Encourage Arbitration 628
Use of Injunctions, Violation of No-Strike Clause 626

INSTRUCTIONS
Plaintiff's Instructions 267

INSURANCE
Direct Action by Third Party 485-90
Inclusion of Mississippi District Attorneys in Insurance Plans 29
In Mississippi 406
In Other States 408
Interests of the Insured 400
Life Insurance as Will Substitute 181-82
Life Insurance Proceeds Exempt From Debts in Mississippi 182
Need for Inclusion of Judges in Insurance Plans 29
Obligation of Company to Settle Within Policy Limits 398

INSTRUCTIONS
Plaintiff's Instructions 267

JOINT TENANTS
Right of Survivorship Shows Intent to Create Joint Tenancy 181

JONES ACT
Claims for Unseaworthiness, Maintenance and Cure May Be Heard Together Under Jones Act 149

Injured Seamen 142
Remedies for Injured Seamen 145
Shore-Based Workers 150

JUDGES

Addition of Judges to Relieve Crowded Dockets 24
Administrative Director to Appoint Circuit, Chancery, or County Judges Temporarily in Mississippi 24
Better Compensation for in Mississippi 27
Chief Justice of Supreme Court of Mississippi, Time Consumed by Administrative Matters 23
Commission on Judicial Qualifications, Need for in Mississippi 27
Demands on Time of 23
Experience and Education Requirements for Mississippi Judges 30
Financial Allowances for in Mississippi 29
Financial Disclosure of, Recommendations for in Mississippi 27
Inclusion in Insurance Plans 29
Mississippi Judiciary Commission 22
Presiding Justice of Supreme Court of Mississippi, Time Consumed by Administrative Matters 23
Proposed Mandatory Retirement Age in Mississippi 31
Proposed Salaries for in Mississippi 30
Recommendations of Mississippi Judiciary Commission Relating to 32
Removal Procedures in Mississippi, Need for 27
Retirement Plans for in Mississippi 30
Salaries in Mississippi 29
Survey of by Age in Mississippi 31
Temporary Assignment of Trial Judges to Relieve Congested Dockets in Mississippi 24

JUDICIAL ADMINISTRATION

Addition of Judges to Relieve Congested Dockets 24
Administrative Director to Appoint Temporary Circuit, Chancery, or County Judges in Mississippi 24
Alleviation of Congested Court Dockets 23
Appointment of, Term of Office of, Salary of Administrator of Courts in Mississippi 24
Class Sections 393
Commission on Judicial Qualifications, Need for in Mississippi 27
Compilation of Judicial Statistics in Mississippi, Need for 28
Demands on Time of Judges 23
Desirability of State Agency for Collation of State Court Statistical Reports 23
Direction of Office of Administrator of Courts in Mississippi by Supreme Court of Mississippi 24
Disparity in Sizes of Dockets in Mississippi Courts 23
Disparity in Types of Cases in Mississippi Courts 23
Duties of Administrator of Courts in Mississippi 24
Effect of Division of Law and Equity in Mississippi 578
Efficiency of Mississippi Courts 23
Financial Disclosure of Judges, Recommendations for in Mississippi 27
Improvement of 22
Intermediate Appellate Court, Alleviation of Necessity for in Mississippi 24

Judges' Salaries in Mississippi 29
Lack of Uniformity in Administration of Circuit and Chancery Courts 23
Legislature Should Constitute Existence of Mississippi Judiciary Commission .. 27
Mississippi Judiciary Commission—A Synopsis 22
Mississippi Judiciary Commission Serving as Commission on Judicial Qualifications 28
Mississippi Judiciary Commission to Assist Legislature 28
Need for Creation of Office of Administrator of Courts in Mississippi 24
Proposed Mandatory Retirement Age for Judges in Mississippi 31
Proposed Salaries for Judges in Mississippi 30
Recommendations for, by Mississippi Judiciary Commission 32
Redistricting for Alleviation of Congested Court Dockets 23
Retirement Plans for Mississippi Judges 30
Snyder Decision 387-89
Supreme Court of Mississippi; Chief Justice of, Time Consumed by Administrative Matters 23
Supreme Court of Mississippi; Presiding Justice, Time Consumed by Administrative Matters 23
Survey of Judges by Age in Mississippi 31
Temporary Assignment of Trial Judges to Relieve Congested Dockets in Mississippi 24
Use of Collateral Estoppel 390

JUDICIAL REVIEW
Zoning Decisions 280-81

JURIES
Factors Which Jury Considers in Determining Notice to Municipality 292

JURISDICTION
Ability to Aggregate Claims of Members of a Class 383
Concurrent Jurisdiction of State and Federal Courts in Appeals of Agricultural Allotments 434
Consumer Legislation 396
Courts Limited to Questions of Law in Deciding Appeals of Agricultural Allotments 435
Creation of Federal Enclaves by Outer Continental Shelf Lands Act 170
Death and Injury on Fixed Offshore Drilling Platforms 170
Expansion of Jurisdiction in Federal District Courts by Section 301 of Taft-Hartley Act 162
Federal Court Jurisdiction of Maritime Law Cases 146
Nature of Agricultural Allotment System Prevents Either Party From Declaring That a Moot Question Is Involved 436
Notice as a Prerequisite to Exercise of Jurisdiction by Zoning Board 278
Of Zoning Board 271
Property Boundaries When a River Divides Two States 451-54
Redistricting in Mississippi for Alleviation of Congested Court Dockets 23
Removal of Action on Breach of No-Strike Clause From State to Federal Court 163-65
Review Committee Under A.A.A. 425-26
Scope of Outer Continental Shelf Lands Act 170
State Courts in Alleged Unfair Labor Practices 161
State and Federal Courts as Labor Forums 626

JUSTICE OF THE PEACE
Recommendations of Mississippi Judiciary Commission for Upgrading of 34

JUVENILE
Recommendations of Mississippi Judiciary Commission for Improvement of Youth Courts 33

LABOR LAW
Changes in Environment of Organized Labor as Valid Basis for Changes in Application of Norris-La Guardia Act 628
Common Law and Labor Law 626
Conflict Between Norris-La Guardia Act and Taft-Hartley Act 627
Court's Power to Enforce No-Strike Clause 627
Court's Use of Injunction for Violation of No-Strike Clause 627
Difficulties in Establishing Consistent Federal Laws 166-67
Encouragement of Arbitration as a Policy Basis to Allow Court to Enforce No-Strike Clause 629
Federal Courts Should Be Able to Enjoin Breaches of No-Strike Clauses 167-68
Inclusion of Grievance in Arbitration Is Presumed 632
Labor and Management Compelled to Conform Self-Help Activity to Terms of Contract 630
Labor Agreement to be Enforced Equally on Both Sides 633
Norris-La Guardia Act
Anti-Injunctive Provision Not Applicable to State Courts 163
Applicability of Anti-Injunctive Provision to State Courts 161
Conflict Over Applicability of Section 4 in Two Circuits 163
Effect in State Courts 161
Question of Applicability of Section 4 Avoided by Supreme Court 164
Restriction to Federal Courts 161
Power of Court Limited to Compelling Performance of the Agreement to Arbitrate 629
Prohibition of Contract Strikes 631
Removal of Action on Breach of No-Strike Clause From State to Federal Courts 163-65
Restraints on Use of Self-Help Tactics in Labor Dispute 631
State and Federal Courts as Labor Forums 630
State Court Injunctions 160-68

Taft-Hartley Act
Effect on Jurisdiction of Federal District Courts 162, 626
Enforcement of Arbitration Agreements, Congressional Policy 162, 626
Substantive Law Expressed 162, 626
Use of State Law 162, 626

LEASES
Cross-Conveyance as Result of Pooling in Mississippi 213-14
Duty of Executive to Promote Development of Mineral Interests 229-31
Effect of Rule Against Perpetuities on Executive Right to Lease in Mississippi 193-96
Effect of Unitized Lease Contract in California 210
Effect of Unitized Lease Contract in Mississippi 208
Effect of Unitized Lease Contract in Texas 209
Exclusive Power to Lease Minerals as Property Right in Mississippi 193-94
Executive Right to Lease Follows Ownership of Mineral Interest 200

Implied Obligations of Holder of Executive Right 227
Power to Lease Does Not Include Power to Pool in Texas 218
Remedies for Breach of Duties Against Holder of Executive Right 227-228
Timely Execution Is Duty of Holder of Executive Right 228
Whether Executive Has Power to Pool as Well as Lease Not Yet Raised in Mississippi 217

LEGISLATURE
Assistance by Mississippi Judiciary Commission 28
Continued Existence of Mississippi Judiciary Commission 27
Misissippi Judiciary Commission; Establishment, Purposes of 22
Subsistence Allowance for Members of in Mississippi 29
Zoning Classification for Legislature Rather Than Judiciary 156

MENTALLY ILL
See Mental Retardation

MENTAL RETARDATION
Capacity as a Witness 107
Cessation of Guardianship 83
Civil Liability 105
Vicarious Liability of Third Persons 106
Commitment Process 85
Court Hearing 85
Appeals 85
Mental and Physical Examination 84
Contracts 86
Criminal Responsibility 97
Burden of Proof 101
Sources of Evidence 102
Temporary Insanity 102
Incapacity at Time of Offense 100
Insanity After Conviction 103
Jury Duty and Voting 104
Present Insanity 98
Motion of a Suggestion of Insanity 98
Preliminary Hearing 99
Responsibility Test 100
Deeds 91
Avoidance of Conveyances 88
Effect of Cancellation 90
Divorce and Annulment 92
During NCM's Lifetime 95
Quantum of Evidence 96
Time to Bring Action 97
Duties and Powers of Guardians 82
Guardianship 81
Marriage 92
Removal of Guardian 83
Sexual Sterilization 109
Appeal 109
Hearing 109

Procedure for 108
Wills 90

MINERALS
"Apportionment" Theory in Pooling and Unitizing 207
Characteristics of Non-Participating Royalty 191-92
Distinction Between Grant of Royalty and Non-Executive Right 190-91
Duty of Executive Toward Non-Executive Interests 224-32
Executive Right to Lease Follows Ownership of Mineral Interest 200
Executive Right to Pool 205-24
"Non-Apportionment" Rule in Pooling or Unitizing 206
Power to Lease as Property Right in Mississippi 193-94
Reservation of Bonuses and Rentals Should Not Be Construed as Reservation of Executive Right 202-03
Reservation of Mineral Interest Implies Reservation of Power to Execute Leases. 198
Right of Pooling Defined 206
Rule Against Perpetuities and Executive Right to Lease 195-96
Separation of Interests Allowed in Mississippi 190

MISSISSIPPI
Deeds, Constructive Delivery of 339-46
Requirements for Rezoning 154
Spot Zoning in 154
Wills, Abatement of 154

MISSISSIPPI LAW SCHOOL
Legal Internship Program 112
Alternative Programs 124
Clinical Legal Education 112
Existing Types of Clinical Programs
Actual Participation 121
"In-School" Research Clinic 123
Legal Aid Clinic 120
Social and Governmental Agencies 121

MUNICIPALITIES
Abrogation of Tort Immunity 307-09
Areas of Tort Immunity 290-91
Classification of Governmental Functions 289
Common Defect of Film Licensing Ordinances Is Vagueness 615
Decline of Governmental-Proprietary Distinction in Mississippi Municipal Tort Liability 471-85
Invalidity of Zoning Ordinance 278
Liability for Drains and Sewers 295
Falling Trees 297-98
Injuries Sustained at Recreational Facilities 298-300
Negligently Maintaining Sidewalks 296
Negligently Maintaining Streets 291-92
Nuisance 300
Obstructions in Street 293
Liability to Abutting Property Owner 294-95
Liability Where Instrumentality Built for Private Use 293
Licensing Boards as Method of Regulating Motion Pictures 612

Motion Picture Licensing Board—Procedural Safeguards Outlined 616
Motion Picture Licensing Boards—Minimum Statutory Standards Required 616
Motion Picture Control—Failure to Notify Theatre of Complaint Is Unconstitutional 614
Municipal Tort Liability Contrasted With County Tort Liability 289
New York Procedure as Model for Control of Obscene Matter 617
Notice of Defects 291
Power to Protect Citizens From Obscene Motion Pictures 611
Procedural Defects in Motion Picture Licensing Procedures 613
Relieved of Liability Where State Takes Over Maintenance 294
Rezoning Requirements 154
Spot Zoning in Mississippi 154
Trivial Defect as Respects Tort Liability 295-96
Zoning and Police Power 156
Zoning Ordinance as Constitutional 271

NEGLIGENCE
Abrogation of Municipal Tort Immunity 289
Comparative Negligence 505-06
Comparative Negligence in Admiralty Claims 146
Contributory Negligence in Admiralty 146
Disputed Evidence 400
Duty Owed by Landowner to Trespassers, Licensees, and Invitees..... 562
Failure of Insurer to Investigate 403
In Recovery for Crop Damage 492-93
Municipalities' Liability for Falling Trees 297-98
Municipalities' Liability for Injuries Sustained at Recreational Facility 298-300
Municipalities' Liability in Maintaining Sidewalks 296
Municipalities' Liability to Abutting Property Owner 294-95
Municipalities Liable for Negligently Maintaining Streets 291-92
Municipalities Liable for Obstructions in Street 293
Municipalities Liable in the Maintenance of Drains and Sewers 295
Municipalities Liable Where Instrumentality Built for Private Use 293
Municipalities Relieved of Liability Where State Takes Over Maintenance 294
Municipalities Required to Have Notice of Defect 291-92, 296
Negligence and Unseaworthiness Combined 145
Public Utilities, Liability for 298
Res Ipsa Loquitur Applied to Unseaworthiness Actions 146
Strict Liability of Shipowners for Unseaworthiness 142
Third Party Action Against Insuror 485
Trivial Defect Not Forseeable 295-96

NOTICE
As a Prerequisite for Municipalities' Tort Liability 291-92, 296
As Essential Requirement of Procedural Due Process for Zoning Board 277-78

OBSCENITY
Municipal Censorship of Motion Pictures 611

OIL AND GAS
"Apportionment" Theory in Pooling or Unitizing 207
Argument *for* Right to Pool Within Right to Lease 221-22
Characteristics of Non-Participating Royalty 191-92

Compulsory Unitization Law in Mississippi 223
Creation of Executive Rights 189-90
Cross Conveyance as Result of Pooling in Mississippi 213-14
Cross Conveyance of Real Property as Result of Unitizing Contract in California 210
Difficulty in Fitting Oil and Gas Law Into Common Law Property Concepts 217
Duty of Executive Not Yet Defined in Mississippi 231
Duty of Executive to Promote Development 229-31
Duty of Executive Toward Non-Executive Interests 224-32
Executive Right to Pool 205-24
Holder of Executive Right as "Ordinary, Prudent Landowner" 225-26
In Louisiana Power to Lease Includes Power to Pool Interests 219
Mississippi Involvement in Offshore Drilling 168
"Non-Apportionment" Rule in Pooling or Unitizing 206
Obligations of Holder of Executive Right 227
Pooling-Contract or Cross Transfer of Interests..... 208-09
Pooling Results in Cross Conveyances in Texas 209
Power to Lease and Pool in Oklahoma 219-20
Power to Lease Does Not Include Power to Pool in Texas 218
Questions About Executive Right to Be Answered in Mississippi 232
Remedies for Breach of Duties of Holder of Executive Right 227-28
Right of Pooling Defined 206
Rights of Holder of Non-Executive Interest 190
Rules Governing Pooling Interests in Mississippi 207-08
Standard of Care of Holder of Executive Right Compromise Between Fiduciary Duty and Ordinary Care 227
Suggested Standards of Duty of Executive Right 225
Timely Execution of Leases, Duty of Executive Right 228
Whether Executive Has Right to Pool as Well as Lease Not Yet Raised in Mississippi 217

PARTNERSHIP
Death or Retirement of Partner 333-38
Distribution in Liquidation 329-33
Formation of 313-19
Sale of Partnership Interest, Tax Aspects 321-28
Status of a Partnership 311-12
Tax Consequences of Partnership Formation 310-38
Termination of 319

POLICE POWER
And Zoning 156

POLLUTION AND THE LAW
Common Law Remedies 352
Criminal Action 355
Injunction 355
Legislative Remedies 356-57
Water Pollution Control 351

PRACTICE AND PROCEDURE
Final Argument 268
Introducing Evidence 263
Settlement Negotiations 254

Trial Preparation 247, 256
Voir Dire 260

PROCEDURE
Appealing Agricultural Allotments 424-43
Chronological Synopsis of Mississippi Decisions on Joinder 368-74
Cross-Examination of Witnesses at Zoning Hearing 284-86
Four Requisites for Joinder at Common Law 367
Indifference Toward Improvement 365-66
Informality of Zoning Board Procedures 272-74
Joinder at Common Law 366-68
Joinder of Causes of Action in Mississippi 365-75
Procedural Problem Raised by Witnesses Not Being Sworn in Zoning Board Disputes 277
Requirement for Zoning Board to Keep Records 279-80
Reopening an Appeal of County Committee or Review Committee 431
Requirement That Changes to Zoning Ordinance Be Made After Public Hearing 276
Rule for Joinder in Mississippi 374
Rules for Procedure for Zoning Hearings 288
Snyder and The Class Action 397
Suggested Rules for Zoning Boards 275-76
U.S. Supreme Court Interpretation of Rule 23 of the Federal Rules of Civil Procedure 379
Written Opinions of Zoning Board 286-87
Zoning Boards' Following of Rules of Procedure 272

PROPERTY
Adjusted Basis of Partnership Property 327-28
Application of Prescription and Acquiescence to Land Bounded by Water.... 449-51
Application of Thalweg Doctrine 447-48
Boundaries Changed by Accretion 444-47
Change in Boundaries by Avulsion 448-49
Contributed to Partnership 313-16
Deeds to, Constructive Delivery of 339-46
Distinctions Between Trespassing, Licensees, and Invitees and the Trend to Abolish These Distinctions 562
Felonious Slayer Inheriting From Victim 359
Fixed Law of Changing Boundaries 444-56
Jurisdiction Over Disputes Involving a River Which Is the Boundary of Two States 451-54
Treatment of Depreciable and Depleteable Property in Partnership Situations.. 328
Treatment of Property Contributed by a Partner 327
Wills, Abatement of 346-51

PUBLIC BOARDS AND COMMISSIONS
Board of Zoning Appeals 271
Evidence Heard by Zoning Board 280, 283-86
Examination of Witnesses Before Zoning Board 279
Informal Procedure of Zoning Board Hearings 272-73
Notice as a Fundamental Requirement of Zoning Commission 277-78
Requirement of Public Hearing Conducted by Zoning Board 276
Rights of Parties Before Zoning Authorities 271-88
Suggested Rules of Procedure for Zoning Boards 275-76

Testimony of Expert and Non-Expert Witnesses Before Zoning Board ... 281, 285-86
Zoning Board Findings 287
Zoning Board Records 279-80, 286-87
Zoning Boards and Rules of Procedure 272, 274, 288

PUBLIC LANDS
Municipal Liability for Injury 298-300

PUBLIC LAWS
Ordinance Held Void for Failure to Give Proper Notice 278

PUBLIC OFFICERS
Members of Zoning Board May Act on Personal Knowledge If Divulged in the Record 283-84

PUBLIC UTILITIES
Liability for Negligence 298

REMEDIES
Against Holder of Executive Right to Lease for Breach of Duties 227-28
For Injured Seamen Under Jones Act 145

RETIREMENT LAWS AND PENSIONS
Mississippi Retirement Plans for Judges 30
Public Employees Retirement System, Inclusion of Mississippi Judges in 30

SALES
Partnership Interests 321-29

STATUTES
Change of Injunction Provisions of Norris-La Guardia Act and Taft-Hartley Act 628
Conflict of Purpose and Policy Between Norris-La Guardia Act and Taft-Hartley Act 628
County Liability in Tort 289-90
Labor Law Dependent on Legislative Intent .....
Statutory Procedure as a Prerequisite to Changes in Zoning Ordinance 277

SUCCESSION
Right of Third Parties to Take Property Through or From One Who Has Murdered the Then Present Owner of the Property 359

SUPREME COURT OF MISSISSIPPI
Chief Justice of, Time Consumed by Administrative Matters 23
Definition of Spot-Zoning 155
Direction of Office of Administrator of Courts in Mississippi, by 24
Justice's Salary 29
Mississippi Judiciary Commission 22
Presiding Justice of, Time Consumed by Administrative Matters 23
Proposed Salaries for Members of 30
Recommendations of Mississippi Judiciary Commission Relating to 32
Reluctance to Label an Ordinance as Spot-Zoning 154
Treatment of Section 147 of Mississippi Constitution that Corrects Erroneous Jurisdiction 578

SUPREME COURT OF THE UNITED STATES
Applying 14th Amendment and Bill of Rights to the States 599
Humanitarian Protection for All Engaged in Maritime Service 150
Spurious Class Actions 379

TAXATION
Advantages of Private Annuity to Annuitant 458
Changes in Procedures for Taxing Private Annuities 457
Income Tax on Private Annuities 457-70
Partnership Interests 310-38
Tax Consequences of a Private Annuity to the Transferee 461-67

TITLES
Receipt of Delivery 340
Recordation of 340
Transfer of Title 339

TORTS
Abrogation of Municipal Tort Immunity 301-09
Areas of Municipal Immunity 290
Areas of Municipal Liability 291-300
Classification of Municipal Activities as a Basis for Tort Liability 289
Counties Liable for Tort Only If Statute so Provides 289-90
Maritime Torts Resulting in Death 151
Municipal Liability Predicated Upon Notice of Defects 291-92, 296
Municipalities Relieved of Liability Where State Takes Over Maintenance 294
State Death Acts and General Maritime Law 151
Trivial Defect Not Foreseeable 295-96
Public Utilities Liable for Negligence 298

UNIFORM CONSUMER CREDIT CODE
Background and Preliminary Considerations 36
Ban on Confession of Judgment Clauses 67
Comparison of UCCC With the Federal Consumer Credit Protection Act 38
Consumer Protections Under the Uniform Consumer Credit Code 36
Consumer's Right to Cancel Home Solicitation Sale 60
Credit Industry Concerns About Subjection to Third-Party Defenses 58
Criticisms of UCCC Waiver-of-Defense Rules 56
Curbs on Deficiency Judgments 68
Disclosure of the Cost of Credit 43
Disclosure Under the Uniform Consumer Credit Code 45
Effect of UCCC on Existing State Law 40
Emergency Sales and Down Payments 62
Evaluation of Disclosure as a Consumer Protection Device 49
Evaluation of UCCC Holder-In-Due-Course and Waiver-of-Defense Rules 58
Exemption of Wages From Garnishment 71
Federal Truth-In-Lending Disclosure Requirements 43
General Introduction 36
General Scope of the Uniform Consumer Credit Code 40
Holders in Due Course 52
Home Solicitation Sales 60
Irrevocable Wage Assignment Illegal 74
Pre-Judgment Garnishments 70

Prohibitions Against Discharge of Employee Because of Garnishment 73
Prohibitions on Excess Security 65
Referral Sales Schemes 64
Regulation of Garnishments and Wage Assignments 70
Restrictions on Door-to-Door Salesmen 60
Rights of Consumers Against Seller's Assignee 52
Rights of Parties After Concellation of Home Solicitation Sale 62
Waiver-Of-Defense Clauses 54

UNSEAWORTHINESS
Absolute Liability for Temporary Unseaworthiness of Vessel 148
As a Question of Fact 146
Burden of Proof on Libelant to Show 146
Combined With Negligence 145
Custom and Practice as Evidence of 149
Fitness of Crew as Cause of 146
Recent Developments in 5th Circuit 142
Shipowners Liability for 142
Shore-Based Workers 150
And Humanitarian Protection for all Engaged in Maritime Service 150

WAGES AND HOURS
Agricultural Employees 419
Minimum Wage and Agricultural Employees 421

WARRANTY
Compared to Duty of Seaworthiness 144

WILLS
Abatement Between Legacies and Devices 350
Abatement of
Devices 348-49
Legacies 347-48
Wills 346
Bank Account Trusts as Substitutes 185
Classes of Legacies 346
Consideration of Intent in Survivorship Interests 180
Contractual Agreements as Substitutes 182
Conveyance of Realty or Personalty Upon Trust as Substitute 185-86
Conveyance of Vested Interest Necessary to Validity of Deeds as Wills 179
Deeds as Will Substitutes 178-80
Demonstrative Legacies 347
Establishing Plan of Abatement in Wills 351
General Legacies 346
Gifts as Substitutes 182-84
Life Insurance as Substitute 181-82
Residuary Legacies 347
Right of Third Parties to Take Property Through or From One Who Has Murdered the Then Present Owner of the Property 359
Specific Legacies 346
Survivorship Interests as Will Substitutes 180-81
Testator Slain Feloniously by Devisee 359
Wrongful Conduct as Bar to Devisee's Taking 359

WITNESSES
Before Zoning Board 275, 279, 281-86
Questioning by Plaintiff's Attorney 266

WORKMAN'S COMPENSATION
"Found Dead" Presumption 233

WRONGFUL DEATH STATUTES
Death on High Seas Act Not Applicable to Fixed Drilling Platforms 170
Extension of Jones Act as Possible Remedy for Injury and Death on Fixed Drilling Platforms 174-75
State Death Acts and General Maritime Law 151
State Law Applicable to Fixed Offshore Drilling Platforms 170

ZONING
Abuse of Board Discretion 271
Administration by Local Board of Appeals 271
And Aesthetic Considerations 155
And Police Power 156
Burden of Proof in Changes of 155
Classification for Legislature Rather Than Judiciary 156
Evidence Given Before Zoning Board 280
Examination of Witnesses Before Zoning Board 279, 281-86
Findings of Zoning Boards 287
Informal Proceedings Before Zoning Commissions 272-73
Legal and Illegal Spot-Zoning 155
Mistake in, Effect of 154
Nationwide Concern of Courts With Spot-Zoning 156
Presumption of Validity of Rezoning 156
Requirements for Rezoning in Mississippi 154
Requirements for Zoning Board to Keep Records 279-80, 283-84
Requirement of Notice by Zoning Commission 277-78
Requirement of Public Hearing 276
Rights of Parties Before Zoning Authorities 271-88
Spot-Zoning and Land Planning 159
Spot-Zoning, Definition of 155
Spot-Zoning in Mississippi 154
Statutory Procedure as a Prerequisite to Any Change in Zoning Ordinance 277
Suggested Rules for Zoning Board Procedure..... 275-76
Supreme Court of Mississippi Reluctant to Label an Ordinance as Spot-Zoning 154
Test of Reasonableness 159
Upheld as Being Constitutional 271
Valid Spot-Zoning, Test of 156
Written Opinions of Zoning Boards 286-87
Zoning Boards' Utilization of Rules of Procedure 272, 274, 288

ARTICLES

By Author

JOEL BLASS AND JEAN RAND RICHEY
An Analysis of the Rights and Duties of the Holder of the Executive Right. 189

FRANCIS S. BOWLING
Thoughts of a Plaintiff's Lawyer 245
WILLIAM M. CHAMPION
Fair Labor Standards Coverage for Agricultural Employees 409
W. THAD COCHRAN
The Obligation to Settle Within Policy Limits 398
WADE H. LAGRONE
Let's Abolish the "Found-Dead" Presumption 233
JAMES W. MANN AND GENE PARKER
Legal Status of the Mentally Retarded and Mentally Ill in Mississippi 78
FRANK L. MARAIST AND T. PAGE SHARP
After *Snyder v. Harris*: Whither Goes the Spurious Class Action? 379
MARY LIBBY PAYNE
Mississippi Judiciary Commission—A Synopsis 22
JAMES L. ROBERTSON
Consumer Protection Under the Uniform Consumer Credit Code 36
WILLIAM F. WINTER
Judging the Judges—The Techniques of Judicial Discipline 1

By Title

After *Snyder v. Harris*: Whither Goes the Spurious Class Action? ..... *Frank L. Maraist and T. Page Sharp* 379
An Analysis of the Rights and Duties of the Holder of the Executive Right ..... *Joel Blass and Jean Rand Richey* 189
Consumer Protection Under the Uniform Consumer Credit Code ..... *James L. Robertson* 36
Fair Labor Standards Coverage for Agricultural Employees ..... *William M. Champion* 409
Judging the Judges—The Techniques of Judicial Discipline ..... *William F. Winter* 1
Legal Status of the Mentally Retarded and Mentally Ill in Mississippi ..... *James W. Mann and Gene Parker* 78
Let's Abolish the "Found-Dead" Presumption ..... *Wade H. Lagrone* 233
Mississippi Judiciary Commission—A Synopsis ..... *Mary Libby Payne* 22
Obligation to Settle Within Policy Limits, The ..... *W. Thad Cochran* 398
Thoughts of a Plaintiff's Lawyer ..... *Francis S. Bowling* 245

STUDENT COMMENTS

A Case for the Abolition of Municipal Tort Immunity in Mississippi ..... *Alan E. Michel and John P. McLauren, III* 289
A Legal Internship Program for the University of Mississippi Law School ..... *Anson Bob Chunn and George Q. Evans* 112
A Tax Guide for the General Practitioner: The Tax Consequences of Partnership Formation, Change in Membership, Dissolution, and Termination ..... *Timothy R. Smith* 310
Appealing Agricultural Allotments ..... *C. Michael Malski* 422
Do College Students Have a Constitutionally Protected Right to Hear Outside Speakers? ..... *Joseph L. McCoy and Roger T. Clark* 135
Due Process of Law in Mississippi Courts: Implications of Erroneous Jurisdiction Under § 147 of the Constitution of 1890 ..... *Michael S. Allred* 578
Income Tax Consequences of the Private Annuity ..... *Woods Eastland* 457

Recent Developments in the Unseaworthiness Doctrine in the Fifth Circuit ..... *Ernest Lane, III* 142
The Fixed Law of Changing Boundaries ..... *Douglas H. Lefeve and Ernest G. Taylor* 444
Trespassers, Licensees, and Invitees—Are the Distinctions Needed? ..... *John Howard Shows* 562
Within a Delicate Jurisdiction: The Rights of Parties Before Zoning Authorities ..... *James A. Peden, Jr.* 271

STUDENT NOTES

ADMIRALTY
The Changing Law of Fixed Offshore Installations .... *C. Michael Malski* 168
COLLATERAL ESTOPPEL
The Multiple Tort Claimant Anomaly ..... *Kenneth A. Rutherford* 497
CONSTITUTIONAL LAW
Welch v. United States: Once Again—New Guidelines on Conscientious Objectors ..... *William C. Trotter, III* 618
DAMAGES
The Landowner's Right to Damages as a Result of a Second Pipe Line ..... *John Howard Shows* 490
DEEDS
Constructive Delivery of Deeds in Mississippi ..... *Hugh Carter Clayton* 339
EVIDENCE
The Admissibility of Computer Print-Outs of Business Records ..... *James S. Armstrong* 604
INSURANCE
Should an Injured Third Party Have a Direct Right of Action? ..... *Richard L. Forman* 485
JOINDER
Joinder of Causes of Action in Mississippi ..... *Rufus Eugene Parker* 365
LABOR LAW
State Court Injunctions for Breach of Collective Bargaining Agreements ..... *George Q. Evans* 160
The Policies and Decisional Processes in the *Boys Markets* Decision ..... *Michael S. Allred* 626
MUNICIPAL CORPORATIONS
The Governmental-Proprietary Distinction and Municipal Tort Immunity Begin to Fall in Mississippi ..... *James A. Peden, Jr.* 471
MUNICIPALITIES
Procedural Guidelines Involved in Municipal Control of Motion Pictures ..... *C. Gray Burdick* 611
PROPERTY
The Weakest Link in the Chain? ..... *Alan E. Michel* 359
PUBLIC LAW
Water Pollution Control in Mississippi ..... *Roger T. Clark* 351
WILLS
Abatement of Wills ..... *Ernest G. Taylor, Jr.* 346
Will Substitutes in Mississippi ..... *Douglas H. Lefeve* 177
ZONING
An Analysis of "Spot Zoning" in Mississippi Rezoning Cases ..... *William M. Bost, Jr.* 154

NEW MISSISSIPPI SUPREME COURT RULES

RULE 41 508
COMMENT ..... *Robert G. Gillespie* 509

BOOKS REVIEWED

THE LIQUIDATION REINCORPORATION PROBLEM: A RUNNING TAX BATTLE by James O. Hewitt and James A. Cuddihy
Reviewed by *Warren V. Ludlam, Jr.* 376

STATE BAR PROCEEDINGS

Addresses

SENIOR BAR

Boyce Holloman, *President's Report* 511
Henry L. Pitts, *Legal Ethics in the Courtroom* 516
Edward L. Wright, *The New Code of Professional Responsibility* 523
Symposium: *The New ABA Code of Professional Responsibility*,
Roger C. Landrum, Hugh Clayton, John C. Satterfield, Francis Bowling 527
Tom Davis, *Aviation Law Practice* 532
Bidwell Adam, *The Case of Casey Jones* 537
William A. Bacon, *Incoming President's Remarks* 540

JUNIOR BAR

Frank Crosthwait, *ABA Convention Report* 544
Pat H. Scanlon, *President's Report* 545
Joe Mullen, *Young Lawyers Challenge to the Bar* 549
Frank Crosthwait, *Incoming President's Remarks* 553
William V. Alexander, *Crisis in Rural America* 555
Dean Joel W. Bunkley, Jr., *University of Mississippi Law School Report* .. 560

TABLE OF CASES

Abernathy v. Utica Mut. Ins. Co. .. 406
Abney v. Lewis 192
Acree v. Collins 256
Adams v. Frothingham 446
Adams v. Kelly Drilling Co. 175
Adams v. Reed 157
Adams v. State 594
Adams v. Stonewall Cotton Mills .. 597
Aderley v. State of Florida 575
Aetna Cas. & Sur. Co. v. Price 404
Aisloff v. Murdock 283
Alabama Farm Bureau Mut. Cas. Ins. Co. v. Dalrymple 403
Aldrich v. Usry 310, 311
Alexander v. City of Vicksburg 476
Alexander v. Sims 314
Alfred v. M/V Margaret Lykes 150
Allen v. Yazoo M.V.R.R. 567
Allison v. Allison 183
Allison v. Smith 224, 228
Allore v. Jewel 189
Allred v. Nesmith 596
Alstate Construction Co. v. Durkin. 416
Alvarez v. Pan American Life Ins. Co. 382
Amer. Dredging Co. v. Local 25, Marine Div. Operating Engineers 163, 164
American Fidelity & Cas. Co. v. Greyhound Corp. 402, 404
American Mut. Liab. Ins. Co. v. Cooper 398, 403
American Sand and Gravel Co. v. Rushing 353
Anderson v. Anderson 363
Anderson v. Anderson 569
Anderson v. Butler 192
Anderson v. St. Paul Mercury Indem. Co. 402
Anderson v. State 102
Anderson-Tully Co. v. Wilson 234
Anderson v. Vanderslice 476, 483
Andretta v. West 228, 229
Anglo-American Provision Co. v. Davis Provision Co. 503
Antoine v. Antoine 94
Arcos Bros. Builders Inc. v. Zoning Bd. of Appeals of City of North College Hill 279
Arkansas v. Tennessee .. 448, 449, 450, 454, 455, 456
Arkansas Louisiana Gas Co. v. Southwest Nat. Prod. Co. 208
Armstrong v. Bell 190, 192
Ashcot, Inc. v. Texas Eastern Transmission Corp. 492
Astleford v. Milner Enterprises 562, 568, 577
Aswood v. Patterson 362
Atkinson v. Felder 596
Attorney General v. Chambers 446
Atwood v. National Bank of Lima. 381
Auslander v. City of St. Louis 472
Austin v. Atlas Subsidiaries of Mississippi, Inc. 53, 64, 77
Austen v. Austen 395
Autenreith v. Commissioner 461
Avco Corp. v. Aero Lodge 735, Machinists 163, 164, 165, 168 627, 630, 633
Avent v. Tucker 485
Avey v. City of West Palm Beach.. 472
Baggett v. Bullitt 136
Bailey v. Mayor of City of New York 475
Baker v. City of Santa Fe 478
Baker v. City of Waco 472
Baker v. Columbia Gulf Transmission Co. 491, 492, 494, 495, 496, 497
Baker v. Northwestern Natl. Cas. Co. 402
Baldwyn v. Iowa State Traveling Men's Assn. 454
Ballard v. Citizens Cas. Co..... 399, 403
Ballard v. Smith 277
Banks v. Ogden 447
Barren v. Commissioner 321
Barrett v. Carter 579
Barron v. City of Natchez 297, 476
Bates v. City of McComb 476
Bates v. Wilson 364
Baum v. Greenwald 84
Bayer v. Siskind 286
Beasley v. Beasley 179
Becker v. Beaudoin 481
Beckmon v. Graves 434
Beddingfield v. Estill 362
Beers v. Arkansas 473
Bell v. Smith 87

Bella Hommel v. Commissioner 458
Bennett v. Conrady 402
Benton v. Friar 347, 349
Benton v. Maryland 601, 602
Bergen v. Koppenal 481
Berman v. Narragansett Racing Assn. 385
Berman v. United States 619
Bernhard v. Bank of America Natl. Trust & Sav. Assn. 499
Berry v. Luckett 194, 200
Birdsong v. City of Clarksdale 293
Bishop v. Bailey 594
Bishop v. City of Meridian 476
Bishop v. Stewart 568
Blacklidge v. City of Gulfport 158
Blum v. Board of Zoning and Appeals of Town of North Hempstead .. 277
Board of Levee Comm'rs for Yazoo-Mississippi Delta v. Brooks..... 584
Board of Supervisors of Lee County v. Payne 270
Boerger v. American Gen. Ins. Co... 403
Boggess v. Milam 208
Boling v. New Amsterdam Cas. Co... 404
Bonnie View Country Club Inc. v. Glass 273
Bonzo v. Nowlin 196
Boston & Main R.R. v. Talbut 257
Boudin v. Lykes Bros. S.S. Co. 147
Bovard v. State 101
Bowers v. Camden Fire Ins. Assn... 404
Bowes v. Chicago 447
Boyd v. Applewhite 593
Boyd v. Crosby Lumber Co. ... 233, 234
Boyer v. Iowa High School Athletic Assn. 482
Boyett v. Boyett 584
Boys Markets, Inc. v. Retail Clerks Local 770..... 626-33
Brackett v. Board of Appeals of City of Boston 288
Bradley v. City of Jackson 477
Bradshaw v. Rudder 234
Bragalini v. Biblowitz 382
Braham v. Hinds County 289
Branden v. Much 276
Brehmer v. City of Kerrville 282
Breland v. Mack 382
Brinkham v. City of Indianapolis.. 481
Brinson v. Sandifer 179
Brookhaven Steam Laundry v. Watts 233
Brooks v. Auburn Univ. .. 136, 139, 140
Brooks v. City of Jackson 278
Brotherhood of Railroad Trainmen v. Chicago River and Indiana R.R. 629, 630, 633
Brown v. City of Meridian 298
Brown v. City of Omaha 481
Brown v. Guarantee Ins. Co. .. 403, 405
Brown v. L.A. Penn & Son 233, 234
Brown v. Miss. C.R.R. 370
Brown v. Smith.. 209, 215, 219, 221, 222
Brummett v. City of Jackson 300, 476
Brunche v. Board of Trustees of Incorporated Village of Great Neck 285
Brundage v. Knox 444, 447
Bryant v. Bryant 362
Bryant v. Sevier 186
Bryant v. Stringer 80
Bryniarski v. Montgomery County Bd. of Appeals 285
Buchanan v. Buchanan 179
Burnett v. Smith 90
Buckler v. State 100
Building Insulators, Inc. v. Stuart.. 487
Bullit v. Taylor 339
Bullock v. Hans 581, 584
Burchett v. City of Stanton 472
Burstyn v. Wilson 611, 612, 615
Bush Constr. Co. v. Walters 505
Butler v. State 107, 108
Byram v. Snowden 485
Byrd v. State 593
Byrnes v. City of Jackson .. 291, 299, 476
Caluori v. Zoning Bd. of Rev. of Town of Johnston 281
Campbell v. Glenwood Hills Hosp., Inc. 107
Canning v. State 602
Canuel v. Oskoian 381
Carbolineum Wood Preserving Co. v. Meyer 591
Carlisle Packing Co. v. Sandanger .. 142
Carradine v. Carradine 593
Carraway v. State 104
Carter v. Dabbs 179
Carter v. State 98, 102
Carter v. Witherspoon 584
Carter County v. Street 495
Cashin v. Murphy 14
Cates v. State 102
Cazeneuve v. Curell 579, 580, 581, 582, 589

Chandler v. David 427
Chapman v. Lott 340
Charles Dowd Box Co. v. Courtney 161, 629, 630
Chilcutt v. Keating 485
Chisholm v. Commissioner 313
Chrisman v. Bryant 347
C.I.T. Corp. v. Turner
Cities Service Gas Co. v. Christian 494
Citizen's Natl. Bank v. Commissioner 461
City of Ardmore v. Hendrix 474
City of Biloxi v. Creel 586, 592
City of Buffalo Cremation Co., *In re* 277
City of Cleveland v. Threadgill 295, 296
City of Columbia v. Wilks 300
City of Columbus v. McIlwain 298
City of Corinth v. Gilmore 297
City of Fairbanks v. Schaible 481
City of Greenville v. Laury 295
City of Greenville v. Middleton ... 292
City of Gulfport v. Sheppard 298
City of Hattiesburg v. Buckalen ... 476
City of Hattiesburg v. Geigor 290, 475, 476
City of Hattiesburg v. Hillman ... 476
City of Hattiesburg v. Pittman ... 281
City of Jackson v. Bridges 154, 155
City of Jackson v. Clark 292
City of Jackson v Cook 373
City of Jackson v. Freeman-Howie, Inc. 277
City of Jackson v. McFadden 299
City of Jackson v Reed 486
City of Jackson v. Wilson 158, 159
City of Laurel v. Hearn 294, 295
City of Laurel v. Hutto 293
City of Laurel v. Ingram 298
City of Laurel v. Upton 294, 475
City of Leland v. Leach 476
City of Lexington v. Yank 481
City of Louisville v. Chapman 481
City of Lumberton v. Schrader 292
City of Meridian v. Beeman ... 471, 476
City of Meridian v. Bryant 295
City of Meridian v. Peterson 293
City of Meridian v. Raley 292
City of Meridian v. Sullivan 372
City of Meridian v. Tingle 353, 354
City of Oxford v. Spears 353, 354
City of Pass Christian v. Fernandez 298, 471, 474, 476
City of Ruleville v. Grittman 292
City of Vicksburg v. McLain .. 291, 476
City of Vicksburg v. Richardson 300, 305
City of West Point v. Berry 476
City of West Point v. Meadows 298, 476
City of West Point v. Womack ... 352
Claiborne v. Holmes 340
Clark v. American Marine Corp. ... 382
Clark v. County Bd. of Appeals of Montgomery County 287
Clark v. Elsinore Oil Co. 210
Clark v. Lopez 89
Clark v. Ruidoso-Hondo Valley Hosp. 482
Clark v. United States 619
Clark v. Zurich Truck Lines 257
Cleveland v. Town of Lancaster .. 472
Clevenger v. Star Fish & Oyster Co., Inc. 150
Coahoma County Bank & Trust Co. v. Feinberg 263
Coca-Cola Co. v. Pepsi-Cola Co. ... 499
Coffman v. City of Pulaski 482
Colagiovanni v. Zoning Bd. of Rev. of City of Providence 284
Coleman v. Jahncke Service, Inc. .. 149
Coleman v. Teague 253
Colgrove v. Lampoc Model "T" Club 569
Colorado Racing Comm'n v. Brush Racing Assn. 480
Colson v. Sims 572
Comfort v. Smith 183
Commercial Pictures Corp. v. Regents 616
Commissioner v. Culbertson ... 310, 311
Commissioner v. Jackson Inv. Co... 334
Commissioner v. John C. Moore Corp. 464
Commissioner v. Lehman 323, 325
Commissioner v. Kaun's Estate 458
Commissioner v. Shapiro 323
Commissioner v. Smith 323
Commissioner v. Whitney 323
Commissioner v. Williams 311
Commonwealth v. Guild Theatre, Inc. 614, 615
Compton v. Fisher-McCall, Inc. ... 230
Community Synagogue v. Bates 283
Conerly v. Lewis 88, 89, 91
Conn v. Boutwell 87
Connelly v. Nolte 488

City of Vicksburg v. Harralson 476
Conway v. Humbert 482
Cooley v. Tullas 580
Copiah Dairies, Inc. v. Addkison.. 270
Cotton States Mutual Ins. Co. v. Fields 406
Couch v. Zoning Commission of Town of Washington 273
Coulter v. Carter 178
County of St. Clair v. Lovingston 446
Cow Hollow Improvement Club v. Di Bene 281
Cowden v. Aetna Cas. & Sur. Co. 399
Cox v. Esso Shipping Co. 143
Craig v. City of Vicksburg 52
Cranston v. Freeman 382
Crawford v. Town of D'Co 300
Crisco v. Security Ins. Co. 401
Cuevas v. Cuevas 362
Cunningham v. County Court of Wood County 482
Curry v. Lucas 89, 91
Cunningham v. State 100, 101, 102
Cusack v. Teitel Film Corp. 613
Dahlberg v. Jones 107
Dallapi v. Campbell 196
Dal Maso v. Board of County Commissioners of Prince George County 273, 280
Dan v. Yellow Cab Co. 391, 393
Daniels v. Morgan & Lindsay, Inc. .. 572
Davies v. Maryland Cas. Co. 489
Davis v. Maryland Cas. Co. ... 403, 404
Davy v. Public Natl. Ins. Co. 402
Dawson v. Zoning Bd. of Rev. of Town of Cumberland 284
Day v. Hartman 580
Decell v. Hazelhurst Oil Mill & Fertilizer Co. 580
Deemer Lumber Co. v. Hamilton .. 234
Deering v. Commissioner 458
Delta Drilling Co. v. Simmons 224
Dendy v. City of Pascagoula 300
Deposit Guar. Bank & Trust Co. v. Mangum 82
Devon Civic League, Inc. v. Marion County Board of Zoning Appeals 274
Dickson v. Sitterson 136
Dighton v. Coffman 435
Dilworth v. Federal Reserve Bank 585, 590
Dinsmore v. Harrison 580
Dix v. Commissioner 461
Dolgow v. Anderson 382, 391, 393
Dore v. Link Belt Co. 170, 171
Dorminey v. City of Montgomery.. 472
Douglas v. United States Fidelity & Guar. Co. 401
Drew v. Lawrimore 440, 441, 442
Dry v. Ford 566, 568
Duff v. St. Louis Mining & Milling Corp. 241
Duke v. Durfee 452
Duling v. Duling's Estate 181
Dumas v. Hartford Accident & Indem. Co. 399
Dunagin v. First Natl. Bank of Laurel 587, 588
Duncan v. Louisiana 599, 600, 602
Durfee v. Duke 452, 453, 454, 455
Durfee v. Keiffer 451
Eagle Motor Lines, Inc. v. Mitchell 238
Eastland v. State 98
Eastman v. State 101
East Tenn. Natural Gas Co. v. Peltz 495
Edwards v. Owens 428, 429
Eisen v. Carlisle & Jacquelin 382
Ellish v. Goldman 274
Elliot v. Aetna Life Ins. Co. 489
Embassy Pictures Corp. v. Hudson 615
Employers Mut. Cas. Co. v. Chicago St. P., M. & O. Ry. 399
Engelburg v. Tonkel 581, 584, 598
Ervin v. Bass 96
Eslick v. State 99
Eternal Cemetery Corp. v. Tammen 228
Etheridge v. Webb 498
Evans v. Miller 368, 369
Evans v. Rothensis 458
Evans v. Schneider Transp. Co. 147
Excelsior Ins. Co. of N.Y. v. State.. 107
Fairchild Constr. Co. v. Owens 234
Fairley v. State 108
Fandel v. Board of Zoning Adjustment of Boston 273
Farm Bureau Mut. Auto. Ins. Co. v. Violano 404
Farmer v. Runnels 345

Farmers Gin Co. v. St. Paul Mercury Indem. Co. 407
Farmers Ins. Exchange v. Henderson 403
Fatheree v. Griffin 609
Fay v. New York 599
Fed. Land Bank of Houston v. U.S. 224, 226, 228
Feld v. Borodofski 80
Ferris v. Employers Mut. Cas. Co... 403
Fette v. City of St. Louis 482
Fetzer v. Minot Park Dist. 482
Fidelity & Cas. Co. v. Gault 398
Fidelity & Cas. Co. v. Robb 406
Field v. Borodofski 105
Fine Arts Guild, Inc. v. City of Seattle 615
Finkbine Lumber Co. v. Cunningham 486
First Natl. Bank of Chicago v. United Air Lines, Inc. 503
First Natl. Bank of Snyder v. Evans 224
First Natl. Bank of Vicksburg v. Cutrer 572
Fitzgerald v. Reed 87, 90
Flagstad v. City of San Mateo 279
Flick v. Galey 276
Ford v. Jones 190
Ford v. State 101, 102
Ford Motor Co. v. Cockrell 257
Ford Motor Co. v. Dees 257
Foremost Dairies v. Campbell Coal Co. 399
Forrester v. Southern Ry. 389, 499
Fortenberry v. Herrington 89, 92
Fortenberry v. Wilkerson .. 584, 587, 591
Foundation Reserve Ins. Co. v. Kelly 404
Fowler v. City of Cleveland 478
Frank and Willie, The 145
Franks v. Goyer Co. 238
Frederick v. Merchants & Marine Bank 341
Freedmon v. Maryland 613, 614, 615, 617, 618
Freeman v. Bailey 584, 594
Freeman v. Brown 440, 442
Frierson v. Moorhead 82
Fulford v. Forman ...426, 427, 428, 430, 437, 439
F. W. Woolworth Co. v. Stokes 572
Gaines v. Klein 349
Galvin v. Murphy 274
Gambrell v. State 102
Gardner v. Boagni 230
Garraway v. Retail Credit Co. 499
Garrett v. State 14
Garvin v. Pettigrew 213, 219
Gas Service Co. v. Coburn 382
Gaunt v. Board of Appeals of Methuen 287
Gelling v. Texas 615
General Gas Co. v. Whipple 406
General Tire and Rubber Co. v. Darnell 572
Georgia Cas. Co. v. Cotton Mills Prod. Co. 398, 404, 406
Georgia Cas. Co. v. Mann 400
Georgia Life Ins. Co. v. Mississippi Central Railroad Co. 407
Gholson v. Smith 362, 363
Gibbs v. Kiesel 146
Gibson v. Bellingham N. Ry. 255
Gibson v. Talbot County Bd. of Zoning Appeals 286
Gidden v. Gidden 184, 347, 349
Gilder v. First Natl. Bank of Greenville 184
Gilford v. Commissioner 311
Gill v. Hedgecock 444
Gillis v. Smith 88
Gillespie v. Commissioner 459
Gilmer v. Gilmer 346, 347
Ging v. American Liab. Ins. Co. 403, 405
Ginther v. Long 353
Gladney v. Review Comm. 430, 436, 437
Glover v. City of South Houston .. 472
Goldberg v. Whitaker House Coop, Inc. 411
Goldstein v. Zoning Bd. of Rev. of City of Warwick 281
Goodruch v. Selligman 273
Gordon v. James 348, 349, 350
Gossler v. City of Manchester 480
Gothberg v. Nemerovski 489
Goyer v. Wildberger 580
Graham v. Graham 341, 342, 343, 344, 345
Graham v. Lawrimore 435
Granquist v. Crystal Springs Lumber Co. 498
Graves v. Massey 571

Greene v. Greene 608
Green v. United States 458
Grenada Groc. Co. v. Tatum 580, 581, 584
Grice v. McCarty-Holman Co. 584
Griffith v. Gulf Refining Co. 207
Grillen v. City of St. Louis 482
Grimes v. Raymond Concrete Pile Co. 175
Grissom v. State 101
Griswold v. Connecticut 137
Grove Press, Inc. v. City of Philadelphia 614
Gulfport & Miss. Traction Co. v. Manuel 292
Gulfport Winn-Dixie, Inc. v. Taylor 572
Gulf Refining Co. v. Stanford 192
Guss v. Utah Labor Relations Board 161
Haag v. Barnes 395
Hailey v. McLaurin's Estate 347
Hald v. Pearson 178
Haley v. Commissioner 311
Hall v. Barnett 340
Hall v. City of Jackson 476
Hall v. Stakley 371
Hamblin v. Marchant 360
Hamer v. Kinnan 362
Hamilton v. Transcontinental Gas Pipeline Corp. 492
Hamilton Bros. Co. v. Narciese 80
Hancock v. Dodge 580
Haney v. City of Lexington 481
Hanna v. Plumer 486
Hanson v. Richey 569
Hanson v. Ware 224
Hargrove v. Town of Cocoa Beach 478, 479, 480, 482
Hardie v. Chew Fish Yuen 210
Harkreader v. Clayton 340, 343
Harlee v. City of Gulfport 299
Harris v. Griffith 190, 201, 231, 232
Harrison v. Landrum 584
Hart v. American Airlines, Inc. 497, 498, 500, 501 502, 503, 505, 507
Hart v. First Natl. Bank of Jackson 186
Hart v. Hassell 433
Hart v. Republic Mut. Ins. Co. 399
Harvey v. Illinois Central R.R. 352
Haskins v. Point Towing Co. 149
Hassie Hunt Trust v. Proctor 192
Hastings v. Rose Courts, Inc. 499
Hattem v. Silver 287
Hawie v. Hawie 100
Hawie v. State 98, 100
Hawkins v. City of Natchez ... 295, 476
Hawkins v. State Agriculture Stabilization and Conservation Comm. 430, 438
Hazebrigg v. American Fidelity & Cas. Co. 404
Hazell Machine Co. v. Shahan 373
Health v. Mayor and City Council of Baltimore 273
Heatherington v. Newenberg .. 347, 350
Heaven v. Pender 562
Hecht v. Monaghan 275
Heddendorf v. Joyce 269
Helvering v. Walbridge 313
Hemphill v. Smith 82, 83
Henke v. Iowa Home Mut. Cas. Co. 402, 404
Henry B. Fiske, The 142
Henry v. Toney 360, 363, 364
Henson v. Richey 573
Herbst v. Abel 387
Herrin v. Daly 485
Higgins v. Loup River Public Power Dist. 606
Highway Patrol v. Neal's Dependents 238
Hildebrand v. United States 149
Hilker v. Western Auto Ins. Co. ... 403
Estate of Hill v. Maloney 460
Hill v. McLaurin 86
Hill City Compress Co. v. West Kentucky Coal Co. 453
Hines v. Potts 86, 87
Hodges v. City of Charlotte 472
Hoffman v. Mayor and City Council of Baltimore 283
Holcomb v. City of Clarksdale 154
Estate of Hollingsworth, *In re* 83
Holmby Productions, Inc. v. Vaughn 616
Holmes v. Mississippi Shipping Co. 146
Holstein v. Montgomery Ward & Co. 391
Holytz v. City of Milwaukee 480
Home Indem. Co. v. Snowden 403
Home Indem. Co. v. Williamson 404, 407
Home Ins. Co. v. Tate Mercantile Co. 371

Hornsby v. Fishmeal Co. 151
Hot Shoppes, Inc. v. Clouser 285
Howell v. Ott 184, 347
Howell v. Shannon 425
Howie v. Autrey 157
Hoye v. Newton Lumber & Mfg. Co. 609
Hoyt v. Factory Mut. Liab. Ins. Co. 404
Hudgins v. Lincoln Natl. Life Ins. Co. 202, 224
Hudson v. Newell 213
Hughes v. Fetter 503
Hull v. Townsend 584
Humes v. Krause 91
Hunter v. State 107
Huntingdon v. Altrill 451
Hurst v. Highway Dept. 482
Hussein v. Isthmian Lines, Inc. 148
Hutchins v. Barlow 92
Hutchinson's Estate, *In re* 182
Hyson v. Montgomery County 285
Ill. C. R.R. Co. v. Abrams 369
Ill. C. R.R. Co. v. Butterfield Lumber Co. 608
Illinois Cent. R.R. v. LeBlanc 580
Illinois Cent. R.R. v. Nelson 246
Indermaur v. Dames 562
Ingalls Shipbuilding Corp. v. Trehern 486
Ingraham v. Grigg 339
International Order of Twelve of Knights and Daughters of Tabor in Miss. v. Barnes 483
Interstate Circuit v. Dallas 615
Interstate Commerce Comm'n v. Louisville & Nashville R.R. .. 286
Iowa v. Illinois 448
Irion v. Cole 580, 589
Isom v. Canedy 90
Jackson v. Bailey 233
Jackson v. Banks 86, 90
Jackson v. State 102
Jacques v. Zoning Bd. of Appeals of City of Pawtuckett 280
Jacobellis v. Ohio 611, 612
James v. United States 319
Jophet v. McRae 206
Jaquith v. Beckwith 98, 99, 103
Jarrell v. Board of Adjustments of City of High Point 276, 285
Jeffries v. East Omaha Land Co. 444, 446, 447
Jenkins v. Borodofsky 364
Jenkins v. Houston County Hosp. Bd. 483
Jenney Mfg. Co. v. Zoning Bd. of Rev. of Town of East Providence 282
Jobar Corp. v. Rodgers Forge Community Assn. 280
Johnson v. Bacon 182
Johnson v. Bagby 498, 499, 500, 505, 506
Johnson v. City of East Moline ... 472
Johnson v. Grice 184
Johnson v. Hardware Mut. Cas. Co. 404
Johnson v. Johnson 92
Johnson v. Lambotte 106
Jones v. Approved Bancredit Corp. 53, 54
Jones v. City of Amory ... 290, 305, 476
Jones v. Culley 83
Jones v. Goolsby 363
Jones v. Hughes 431, 437
Jones v. Omon 495
Jones v. Parker 82
June T. Inc. v. King 147
Kainz v. Anheuser-Busch, Inc. 381
Karan v. Commissioner 319
Kaudern v. Allstate Ins. Co. 404
Kaufman's, Inc. v. Commissioner .. 466
Kawananakoa v. Polyblank 474
Keel v. Greenville Mid-Stream Service, Inc. 149
Keeler v. State 101
Keen v. Overseas Tankship Corp. .. 147
Kelly v. Sportsmen's Speedway 566, 568, 569
Kelley v. Zoning Bd. of Rev. of City of Providence 284
Kennedy v. Little 487
Kenny v. Trinidad Corp. 152
Kenoyer v. Magnolia Pet. Co. 208
Kent v. McCaslin 349
Kentucky State Bar Assn. v. Lewis.. 15
Kermarec v. Compagnie Generale .. 573
Kilfozle v. Wright 196
Kingsley International Pictures Corp. v. Regents 611, 616
Killings v. Metropolitan Life Ins. Co. 265
Kinder v. Western Pioneer Ins. Co. 405
King v. State ex rel. Murdock Acceptance Corp. 604, 607, 608, 610, 611
Kinney v. United States 321, 322
Klaxon Co. v. Stenton Elec. Mfg. Co. 395
Knight v. Knight 179

Knotts v. Bailey 349
Kosoglad v. Zoning Bd. of Appeals of City of Chicago 287
Kreppendorf v. Hyde 384
Krust v. Hill 273
Kunkel v. United Sec. Ins. Co. of N.J. 405
Lacey v. Pelus 183
Ladner v. Ladner 185
Ladner v. Morgan 341
Lambert v. Powell 88, 91
Lamont v. Postmaster General 137
Lamp v. Locke 224, 228, 230
Lancaster v. Lancaster 485
Lang v. State 103
Langford v. Mercurio 566
Langford v. United States 478
Laurel Racing Co. v. Jones..... 584
Laurel Light & Ry. Co. v. Jones ... 298
Lawson & Nelson S. & D. Co. v. Associated Indem. Corp. 404
Leach v. Brown 215
Leake County Cooperative v. Dependents of Barrett ..236, 237, 238 241, 243
LeBard v. Richfield Oil Corp. 210
Le Blanc v. Haynesville Mercantile Co. 219
Lee v. Deberry 429
Lee v. Wiley Buntin Adjuster, Inc. . 498
Lee County Gin Co. v. Middlebrooks 487
Lepnick v. Gaddis 567
Leverette v. Ainsworth 180
Levin v. New England Cas. Co. ... 403
Lewis Estate, *In re* 180
Lewis v. State 103, 104
Liber v. Flor 480
Life & Cas. Ins. Co. of Tenn. v. Webb 389
Lindeman's Estate v. Herbert 183
Linden Methodist Episcopal Church v. City of Linden 155
Lindsey Bros. v. Jones 430, 431, 435
Lippian v. Ros 598
Lipsett v. United States 381
Littell v. Nakai 453
Lloyd v. Commissioner 459
Loffland Brother's Co. v. Roberts.. 172
Logan v. City of Clarksdale ... 293, 475
London v. Zoning Bd. of Appeals of City of Bridgeport 280
Long v. Commissioner 323
Long v. Union Indem. Co. 399
Lonquist v. J. C. Penney Co. 385
Louisiana v. Mississippi 448, 454
Loutares v. Smith 429
Love Petroleum Co. v. Jones 354
Luke Const. Co. v. Jernigan 487
Lumb v. Zoning Bd. of Rev. of Town of Bristol 274
Lunt v. Zoning Bd. of Appeals of Town of Waterford 278
Luvaul v. City of Eagle Pass 482
Lyle Cashion Co. v. McKendrick .. 497
Lynch v. Lynch 340, 343, 344, 345
Lysick v. Walcom 401
McAfoos v. Canadian Pacific S.S. Ltd. 145
McAllister v. Magnolia Petroleum Co. 145
McArthur v. Maryland Cas. Co. ... 485
McCall v. Nettles 224
McClendon v. Mississippi State Highway Comm. 595
McClure v. Couch 444
McComb v. Fidelity & Cas. Co. ... 403
McComb City v. Hayman 292
McComish v. DeSoi 257
McCully v. McCully 87
McDawell v. City of Natchez 372
McGarrh v. State 102
McGill v. City of Laurel 300
McGinnis v. State 98, 99
McIntosh v. McIntosh 96
McKibben v. City of Jackson... 156, 286
McLendon v. State 14
McLoed v. Cities Service Gas Co.... 493
McLoed v. Threlkeld 415
McMillan v. Gibson 344
McNabb v. United States 272
McNeese v. Reuner 192, 198
Estate of McNichol v. Commission.. 458
Mabee v. White Plains Publishing Co. 415
Mackies v. Murray 389
Maffei v. Incorporated Town of Kemmerer 474, 479
Magnolia Petroleum Co. v. Spears 353, 354
Mahnich v. Southern S.S. Co. 142
Maier v. Hill 183
Main v. Main 95
Majure v. William H. Alsup & Associates 238

Malone v. Mooring 346, 347, 348
Mandle v. Kelley 503
Marbury v. Madison 7, 484
Marlon Investment Co. v. Conner 566, 567, 568
Marsh v. Whittington 94
Martin v. Adams 344
Martin v. Snuggs 202
Martin v. City of Canton 472
Martinson v. City of Jackson 155, 157, 158
Maryland Cas. Co. v. Cook-O'Brien Constr. Co. 403
Maryland Cas. Co. v. Elmire Coal Co. 403
Maryland Cas. Co. v. Peppard 489
Maryland Cas. Co. v. Wyoming Valley Paper Co. 403, 404
Maryland *ex rel.* Gliedman v. Capitol Airlines, Inc. 499
Masonite Corp. v. Burnham 353, 354, 355
Masonite Corp. v. Guy 358
Masonite Corp. v. Local 15-443 International Woodworkers ...160, 163 164, 165, 168
Massey v. Masonite Corp. 358
Mastin v. Commissioner 461, 465
Mathews v. Sun Oil Co. 221
Matthews v. Thompson 596
Maynard v. Ratliff 229
Mayor & Aldermen of City of Vicksburg v. Harralson 293
Merchants Co. v. Tracy 238
Merrick v. United States Rubber Co. 606, 610
Merrill Eng. Co. v. Capital Natl. Bank 207, 211, 214, 215
Merrity v. Prudential Ins. Co. 363
Mesle v. Kea S.S. Corp. 143
Metcalf v. Boston 295
Metcalf v. Brandon 340
Metropolitan Life Ins. Co. v. McSwain 265
Metzger v. Joseph 580, 582
Michalic v. Cleveland Tankers, Inc. 144
Michigan v. Morton Salt Co. 499
Michigan v. Wisconsin 450
Midwest Oil Corp. v. Winsauer ... 224
Miles v. Amerada Petrol Corp. 209
Miller v. United States 432
Milliken v. Meyer 503
Mills v. Toppett 435
Minchin v. Fields 218, 219
Minter v. Hart 598
Mississippi Assn. of Ins. Agents v. Seay's Dependents 239
Miss. Baptist Hospital v. Holmes 301, 302, 303, 304 306, 307, 308, 484
Mississippi Baptist Hosp. v. Moore 483
Mississippi Fire Assn. v. Stein 580
Mississippi Ice & Util. Co. v. Pearce 486
Mississippi Mills Co. v. Smith 352
Mississippi Power & Light Co. v. Walters 568
Mississippi State University v. Hattaway 238
Missouri v. Nebraska 449
Mitchell v. Craft 501
Mitchell v. C. W. Vollmer & Co.... 415
Mitchell v. Pidcock 416
Mitchell v. State 104
Mitchell v. Trawler Racer, Inc. ... 148
Mitchell Land Co. v. Planning and Zoning Bd. of Appeals of Town of Greenwich 273
M'Naghten 100
Molitor v. Kaneland Community Unit Dist. No. 302 480
Montgomery v. Rittersbacher 224
Moore v. General Motors Acceptance Corp. 578, 584, 594
Moore v. Hope Natural Gas Co. ... 493
Moore v. Winn-Dixie Stores, Inc. .. 572
Morgan v. Hazlehurst Lodge.... 340, 343
Morgan County v. Neff 495
Morris v. City of Columbia 278
Morriss v. First Natl. Bank of Mission 224
Morris v. Huff 485
Morrow v. Clayton 442
Moss v. Jourdan 192
Mounger v. Pittman 191, 199
Mower v. Inhabitants of Leicester. 475
Moye v. Sioux City & New Orleans Barge Lines, Inc. 150
Mulford v. Smith 443
Mullane v. Central Hanover Bank & Trust Co. 388
Mullins v. Merchandise Sales Co.... 77
Murach v. Massachusetts Bonding & Ins. Co. 403
Murry Chevrolet Co. v. Cotten.. 568, 569
Muse v. Muse 82

Muskopf v. Corning Hosp. Dist.... 480
Musselwhite v. State 98, 103, 104
Mutual Implement & Hardware Co. v. Pittman 233
Myers v. Giroir 598
Myers v. Laird 179, 180, 181
Nasif v. Booth 373
Naturalization of Fordiani, Inc., *In re* 285
Nebraska v. Iowa 448, 449
Nelson v. Maine Turnpike Auth. .. 482
Nesbitt v. City of Greenville ... 292, 293
Nevarov v. Caldwell 499
Neville v. Kelso 83
New Biloxi Hosp., Inc. v. Frazier.. 246
New Jersey v. Delaware 448
New Orleans v. United States 447
New Orleans & C.R. v. Maryland Cas. Co. 405
New Orleans and Northeast R.R. v. Gable 505, 506
NLRB v. George E. Light Boat Storage, Inc. 161
Northern Natural Gas Co. v. Grounde 382
Norton, Re 364
Norwalk CORE v. Norwalk Bd. of Educ. 389
Norwood v. Travelers Ins. Co... 404, 405
Nowell v. Harris 571, 572
Noyes v. Zoning Bd. of Review of City of Providence 283
Nugent v. Freeman 218, 219, 224
Ocean Drilling and Exp. Co. v. Berry Bros. Oilfield Service... 172, 173
O'Conner v. Dickerson 362
Odegard v. Connolly 488
Odom v. State 595, 599
Odom v. Walker 485
Odstricil v. McGlaun 196, 228
Offshore Co. v. Robinson 174
Oliphant v. Skelton 347
Oliver v. Commissioner 315
Olsen v. State 99
Olympia Fields Country Club v. Bankers Indem. Ins. Co. 404
Oshorn v. Ark. Terr. Oil & Gas Dev. Co. 220
Osceola, The 142
Overstreet v. North Shore Corp. ... 418
Owens v. Owens 360
Pace v. Barrett 498, 500
Pace v. Methodist Hosp. 483
Pace v. Pace 184
Pace v. State 98, 99
Paine v. Underwood 281
Pacific Maritime Assn. v. International Longshoremens and Warehousemens Union 628, 629, 631, 632
Palmer v. Financial Indem. Co. ... 404
Palmer v. Riggs 341
Palmer v. Crews 190
Pan American Petroleum Corp. v. Cain 196
Panhandle Eastern Pipe Line Co. v. Corporation Comm. 220
Panola County Bank v. Nessen Lumber Co. 608
Parkinson v. Mills 95, 96
Parish v. Pitts 481
Parker v. City of Hutchinson 482
Parnaby v. Lancaster Canal Co. 565
Parson v. Texas City 472
Parsons v. Board of Zoning Appeals of City of New Haven 273
Parsons v. City of New York 472
Patterson v. Adan 489
Patterson v. Sayers 571, 572
Paul v. United States 425
Paulsen v. Portland 388
Pearson v. Yewdall 599
Pederson v. The Bulklube 145
Peebles v. Acker 350
Penn Mut. Life Ins. Co. v. Nunnery 362, 363
People *ex rel.* Fordham Manor Reformed Church v. Walsh 271
People *ex rel.* Home of Hebrew Infants City of New York v. Walsh 274
Perkins v. First Natl. Bank of Yazoo City 347, 350
Perrier v. Board of Appeals of City of Pawtuckett 283
Perry v. Strawbridge 360, 361
Perry v. United States Fidelity & Guar. Co. 402
Peter v. United States 620
Peterman v. Gary 485
Peterson v. American Family Mut. Ins. Co. 405
Philadelphia Elec. Co. v. Anaconda Am. Brass Co. 387, 394

Phillips v. Ford 89, 90
Phillips Petroleum Co. v. Peterson.. 208
Phipps v. NV Neder, Amerik, Stoorm, Maats 150
Phoenix Constr. Co. v. The Steamer Poughkeepsie 173
Pickard v. City and County of Honolulu 574
Pigford Bros. Constr. Co. v. Evans.. 233
Pinchback v. Gulf Oil Corp. 224
Pipes v. Webb 89
Poignant v. United States 149
Portland v. Dravo Corp. 381
Potomac Ins. Co. v. Dilkins Co. ... 403
Powell v. City of Nashville 472
Powell v. Commissioner 311
Powell v. Masonite Corp. 234
Pray v. Hewitt 498
Premier Petroleum Co. v. Box 493
Price v. S. S. Yaracuy 147
Prickett v. Hawkeye-Security Ins. Co. 399
Priester & Sons, Inc., v. Bynum ... 242
Prigden v. International Cushion Co. 241
Prudential Ins. Co. v. Gleason 81
Pure Oil Co. v. Snipes 171, 172
Puryear v. Austin 88, 89
Radcliffe v. Franklin Natl. Ins. Co. 402, 405
Radick v. Zoning Bd. of Rev. of Town of East Providence 278
Radio Taxi Serv., Inc. v. Lincoln Mut. Ins. Co. 403
Ragan v. Cox 106
Ragsdale v. Superior Oil Co. 210
Rains v. Thorp Finance Corp. 609
Rakestraw v. Winchester 435
Ramirez v. City of Cheyenne 482
Raynor v. Lindsey 246
Ready-Mix Concrete Prod. Co. v. Perry 584
Reddit v. Wall 290
Reed v. Charping 590, 598
Refior v. Lansing Drop Forge Co. .. 504
Renwar Oil Corp. v. Lancaster ... 209
Review Committee, Venue II v. Reynolds 428, 435
Review Comm. Venue VII v. Willey 436
Reynolds v. West 265
Rhinehart Farms, Inc. v. United States 466
Rich v. Doneghey 220
Ricketts v. Jolliff 86, 89
Riddle v. Proprietors of the Locks and Canals on Merrimack River 475
Ridgewood Land Co. v. Simmons 157, 159
Riegelhaupt v. Ostroffsky 348
Riggs v. Palmer 360
Ringold v. Goyer Co. 589, 593
Robey v. Schwab 287
Roberi v. Southern Farm Bureau Cas. Ins. Co. 404
Robert Addie and Sons v. Dunbreck 565
Roberts v. Spence 590
Robichaux v. Kerr McKee Oil Indus., Inc. 147
Robinson v. Burritt 83
Robinson v. Milam 229
Robinson v. State 99
Robinson v. Town Council of Narragansett 280
Rodrique v. Aetna Cas. Co. 169, 170, 173, 176
Rogers v. Morgan 191, 231, 232
Rogers v. State 101, 104
Rohner v. Austral Oil Exploration Co. 493
Rota-Cone Oil Field Operating Co. v. Commissioner 310
Roth v. Commissioner 323
Roth v. United States 612
Rowe v. City of Winona .. 474, 475, 479
Rowland v. Christian 574, 575, 576
Royal Transit v. Central Sur. & Ins. Corp.. ..... 404, 405
Rushing v. Water Valley Coca Cola Bottling Co. 238
Russell v. Men of Deron.. 289, 474, 479
Russell v. Sohio Pipe Lines 238
Russo v. Stevens 283
Rutherford Food Corp. v. McComb 411, 412
Sadler's Estate, *In re* 182
Sage v. Northern Pa. R.R. 257
Saltzman v. Stromberg-Carlson Telephone Mfg. Co. 285
Sanderson v. City of Hattiesburg... 282
San Diego Building Trades Council v. Garmon 161
Sandmann v. Shechan 472
Saunders v. Mitchell 82

Saunders v. New York Cent. & H. R.R. 444
Savery v. Gray 486
Saxon v. Town of Houlka 291
Scaling v. Beggs 224
Scheele v. City of Anchorage 481
Schlittler v. Smith 224
Schmidt & Sons Brewing Co. v. Travelers Ins. Co. 398
Scott v. Columbia Gulf Transmission Co. 495
Scott v. Francis Vandergriff Shoe Co. 593, 596
Scott County Coop. v. Brown... 259, 485
Seab v. Seab 345
Sears v. City of Akron 388
Sears, Roebuck & Co. v. Tisdale .. 572
Sears Shipping Co. v. Sieracki 143
Selley v. McWilliams Realty Corp... 566
Semple v. City of Vicksburg 476
Semple v. Mayor & Aldermen of Vicksburg 295
Sequios Tepeyec, S.A., Companies Mexicana de Sequros Generales v. Boston 402
Sharp v. Learned 444, 446
Shaughnessy v. United States 272
Shearin v. Coleman 180
Shearron v. Shearron 487
Sheffield Waterworks Co. v. Yeomans 380
Shelby Mut. Ins. Co. v. Phillips 485
Shell Pipe Line Corp. v. Coston ... 493
Shell Pipe Line Corp. v. Srrcek ... 494
Sheridan v. Commissioner 465
Sherrill v. McShan 453
Shipp v. State 98, 99, 103
Shingleton v. Bussey 488, 489, 490
Shively v. Bowlby 447
Shows v. City of Hattiesburg 295
Shulman v. Ritzenburg 393
Shuptrine v. Herron 295
Simonton v. Bacon 88, 90
Simpson v. Laprade 428
Simpson v. Poindexter 476
Sinclair Crude Oil Co. v. Okla. Tax Comm. 213
Sinclair Refining Co. v. Atkinson 165, 166, 167, 627, 628 629, 630, 632, 633
Sinclair v. State 100
Singleton v. State 102
Skinner v. State 99
Sleeth v. Dairy Prods. Co. 441
Smith v. Abbate 381
Smith v. Chicago Portrait Co. 609
Smith v. Commissioner 334
Smith v. Evening News Associates.. 161
Smith v. Greenburg 363
Smith v. Muse 83
Smith v. M/V Gisna 150
Smith v. Smith 80, 92, 95, 96
Smith v. State 102
Smith v. Transit Cas. Co. 403
Smith's Administrator v. Smith.. 582, 593
Sniadach v. Family Finance Corp... 70
Snowden v. Skipper 485
Snyder v. Board of Trustees 135, 136, 139
Snyder v. Harris 379, 382, 383, 384 385, 386, 388, 391, 394, 395, 397
Socony Vacuum Oil Co. v. Murdock. 284
Southcote v. Stanley 563
Southeastern Express Co. v. Namie 372, 374
Southern Farm Bureau Cas. Ins. Co. v. Mitchell 405
Southern Fire & Cas. Co. v. Noriss 398, 403
Southern Pac. Lmbr. Co. v. Reynolds 122
Southland Co. v. Aaron 352, 353, 355
Southland Co. v. McDonald 354
Spanel v. Mounds View School Dist. No. 621 480
Spicer v. New York Life Ins. Co... 363
Spong Baking Co. v. Trinity Universal Ins. Co. 403
Springer v. Citizens Cas. Co. 403
Standard Oil Co. v. Decell 299
Stankiewizx v. United Fruit S.S. Corp. 147
Stanley v. City of Macon 472
Stanley v. Morgan & Lindsey, Inc... 572
State v. Columbia Pictures Corp. .. 615
State v. Gill 444
State v. Marshall 593
State Auto Ins. Co. v. Rowland 406
State Farm Fire & Cas. Co. v. Tashire 386
State Farm Mut. Auto Co. v. Smoot 402, 404
State Farm Mutual Auto. Ins. Co. v. McKay 584
State Farm Mut. Ins. Co. v. White. 405

State of Maryland v. Capital Airlines 391
State of Michigan v. Morton Salt.. 390
Steinbach Kresge Co. v. Sturgess .. 461
Stephens v. Stephens 180
Sterger v. Vansiclen 565
Stewart v. Barksdale 180
Stillwell v. Parsons 401
St. Louis v. Rutz 447
St. Louis-San Francisco Ry. v. Dyson 267
St. Mary's Church of New Brunswick v. Board of Adjustment of City of New Brunswick.. 282
Stone v. Arizona Highway Comm'n 481
Stone v. Stone 384
Stone v. Texoma Prod. Co. 193
Strand Enterprises v. Turner 571, 572
Strange v. State Tax Comm. 182
Streat Coal Co. v. Frankfort Gen. Ins. Co. 405
Stricka v. Netherlands Ministry of Traffic 145
Stringer v. Consumers Credit Corp. 368, 373
Strode v. Commercial Cas. Ins. Co.. 405
Stroud v. D-X Sunray Oil Co. 219
Stuart v. Robinson 349
Stubbs v. Green Bros. Gravel Co. .. 234
Superior Films, Inc. v. Department of Education 615
Superior Oil Co. v. Griffin 494
Superior Oil Co. v. Stanalind Oil and Gas Co. 191
Swaney v. White 81
Sweezy v. New Hampshire 140
Swiren v. Commissioner 323
Symonette Shipyards, Ltd. v. Clark 147
Talbert v. Ellzey 87
Talbot & Higgins Lumber Co. v. McLeod Lumber Co. 581, 582, 585 594, 596
Taliaferro v. Relndon 314
Tanner v. Foreman 178
Tanner v. Olds 210
Tanner v. Title Ins. & Trust Co. 208, 210
Tapley v. McManus 178
Taylor v. Helen Lykes 148
Taylor v. New Jersey Highway Auth. 573
Teamsters Local 174 v. Lucas Flour Co. 163
Teas v. Twentieth Century-Fox Film Corp. 224, 228
Technograph Printed Circuits, Ltd. v. United States 390
Teitel Film Corp. v. Cusack 614, 616
Temple v. First Natl. Bank of Meridian 348, 349
Terrill v. ICT Ins. Co. 472
Texaco v. Musgrove 88, 89
Texas Gulf Prod. Co. v. Griffith 191, 194
Texas Pipe Line Co. v. Cobb 493
Textile Workers of America v. Lincoln Mills 162, 167, 396, 629 630, 631, 632
Thomas v. Bard 483
Thomas v. Bedford 156
Thomas v. Hempt Bros. 416
Thompson v. City of Philadelphia. 294
Thompson v. City of Winona 295
Thompson Methodist Church v. Zoning Bd. of Rev. of City of Pawtuckett 281
Times Film Corp. v. Chicago 612, 613, 617
Tippit v. Hunter 487
Tips v. Bass 458
Tomko v. Vissers 279
Totten, *In re* 185
Town of Durant v. Castleberry 298
Town of Hazelhurst v. Cumberland Tel. & Tel. Co. 368, 370
Town of Somerset v. Montgomery County Bd. of Appeals 285
Town of Woodville v. Jenks 580
Transcontinental Gas Pipe Line Corp. v. Hill 493
Transcontinental Gas Pipe Line v. Myrick 493
Transport Indem. Co. v. Seib 605, 606, 610
Trovato v. Chiaradio 284
Tucker v. City of Okolona..... 471, 472 473, 477, 479, 483, 484
Tucker v. Gurley 265
Tuite v. Zoning Bd. of Rev. of City of Woonsocket 275
Tungus v. Skovgaard 151
Turner v. Turner 350
Union Producing Co. v. Scott 224

Union Producing Co. v. Simpson .. 238
United Air Lines, Inc. v. Wiener 501, 504
United States Air Force Texas Tower No. 4, *In re* 175
United States v. Bendik 619
United States v. Darby 417
United States v. Dennis 2
United States v. Frazell 315
United States v. Jakobson 620
United States v. Kauten 619
United States v. Kissinger 433
United States v. Kopf 431
United States v. Rosenwasser 411
United States v. Seeger ... 618, 619, 620 621, 622, 623, 626
United States v. Shapiro 325
United States v. Sisson 626
United States v. United Air Lines, Inc. 390, 501, 504, 505
United States v. Woolsey 323
United States Fidelity & Guar. Co. v. Canale 403
United States Fidelity & Guar. Co. v. State 581, 584
United Steelworkers of America v. American Mfg. Co. 627, 632
United Steelworkers of America v. Enterprise Wheel and Car Corp. 627, 633
United Steelworkers of America v. Warrier and Gulf Nav. Co... 627, 632
Universal Film Exchanges, Inc. v. City of Chicago 616
Uzce v. Bollinger 230
Vaiden v. Hawkins 347
Van Alstyne v. Tuffay 362
Van Norman v. Meridian Water Works Co. 298
Vaughn v. Vaughn 181
Veal v. Thomason 209, 214, 215, 219
Vermeulen's Petition, *In re* 502
Vickers v. City of Camdon 472
Vickers v. Tumey 144, 147
Village of Euclid v. Ambler 271
Vines v. Southwestern Miss. Elec. Power Assn. 292
Voight v. City of Corpus Christi .. 472
Wadell v. Board of Zoning Appeals of City of New York 285
Wagner v. Sunray Mid-Cont. Oil Co. 224
Wakefield v. Globe Indem. Co. 399
Waldron v. Moore-McCormick Lines, Inc. 147
Wallace v. J. C. Penney Co. 572
Walley v. Williams 485
Walling v. Haile Gold Mines, Inc... 417
Walling v. Portland Terminal Co. .. 411
Walsh Constr. Co. v. Church 311
Ward v. Dulaney 92, 95
Ward v. Mitchell 485
Ward v. Ward 88
Ware's Estate, *In re* 180
Waring v. Stinchcomb 447
Warner v. Hogin 586
Warren v. Amerado Petrol. Corp. .. 230
Warren v. Chambers 446
Warren v. City of Tupelo 297
Warren v. Town of Booneville..290, 476
Washington v. Greenville Mfg. and Machine Works 237, 238, 239 241, 243
Watt v. Allgood 83
Watts v. Watts 179
Waycaster v. State 102
Weihs v. State 107
Weir v. United States 432
Weisner v. Board of Educ. of Montgomery County 482
Welsh v. United States 618, 622, 623 624, 625, 626
Westbrook v. Ball 190, 193, 198, 204
Westerfield v. Shell Petroleum Corp. 255
Western Cas. & Sur. Co. v. Fowler.. 403
Western Maid, The 474
Westminster v. Zoning Bd. of Rev. of City of Providence 284
Wettengel v. Gormley 208
Wheeler v. State 99, 104
White v. Mississippi Power & Light Co. 568
White v. State 108
White v. Williams 92
White v. Willis 580
Whitfield v. City of Meridian 291, 305, 476
Whitney v. Hanover National Bank 589, 597
Whitney v. Lott 360
Wiggins v. Knox Glass, Inc. 233
Wilbourn v. Wilbourn 341, 342, 343, 344, 345
Wilkerson v. Light, Heat & Water Co. of Jackson 298

Williams v. Bailey 185
Williams v. City of Detroit 480
Williams v. Moran 171
Williams v. Northern Natural Gas Co. 493
Williams v. State 99, 101
Williams Co. v. Federal Credit Co... 587
Williamson v. F. W. Woolworth Co. 572
Wilson v. Aetna Cas. & Sur. Co. 399, 403
Wilson v. Bridgeforth 179
Wilson v. Holm 224
Wilson v. Jourdan 184
Wilson v. State 102, 103
Wilson v. Wilson 92
Winn-Dixie Super Markets v. Hughes 572
Winterman v. McDonald 224
Wirtz v. Crystal Lake Crushed Stone Co. 416
Wolf. v. Zoning Bd. of Adjustments of Borough of Park Ridge 276
Wolfson v. Chelist 570
Woodbury v. Zoning Bd. of Review of City of Warwick 273
Woodmanser v. Garrett 246
Woods v. Sturges 183
Woods v. Town of Indianola 298
Woolbert v. Lee Lmbr. Co...80, 86, 87, 90
Worcester County Trust Co. v. United States 458
Workman v. City of New York 478
Wright v. Brush 224
Wright v. Coffey 568, 570, 571
Wroten v. Fenn 586
W. T. Raleigh v. Rotenberry 608
Yamauchi v. O'Neill 569
Yancey v. Maestri 106
Yates' Estate v. Ala.-Miss. Conf. Assn. of Seventh Day Adventists, Inc. 184
Yazoo Delta Mort. Co. v. Hutson 580, 596
Yazoo & M.V.R.R. v. Mansfield 568
Yazoo & M.V.R.R. v. Wallace 369, 582, 594
Yazoo City v. Loggins 487
Young v. Elgin 340
Young v. Martin 88, 89, 91, 92
Young v. Young 106
Younger v. Lumberman's Mut. Cas. Co. 405
Zachman v. Erwin 381
Zdanok v. Glidden Co. 499
Ziamariano v. Zoning Bd. of Rev. of City of Providence 284
Zinck v. Zoning Bd. of Appeals of Framingham 287
Zumwalt v. Utilities Ins. Co. 399

STATUTORY AND QUASI-STATUTORY MATERIAL

State

Mississippi Constitution

Article III, sec. 31 (1890) .. 247, 269, 582
Article IV, sec. 50 (1890) 13
Article IV, sec. 51 (1890) 13
Article IV, sec. 81 (1890) 168
Article IV, sec. 90 (1956) 80
Article VI, sec. 147 (1890) 578
Article VI, sec. 157 (1890) 578
Article VI, sec. 159 (1890) 81
Article VI, sec. 162 (1890) 578
Article VI, sec. 165 (1890) 13
Article XII, sec. 241 (1890) 105

Mississippi Code Annotated

Sec. 36 (Supp. 1968) 40
Sec. 41A:1-101 *et seq.* (Spec. UCC Supp. 1967) as amended 36, 40
Sec. 41A:3-302 (Spec. UCC Supp. 1967) 52
Sec. 41A:3-305 (2) (Spec. UCC Supp. 1967) 52
Sec. 41A:9-206 (1) (Spec. UCC Supp. 1967) 52, 54
Sec. 241 (1956) 80
Sec. 275 (1956) 75
Sec. 275 (Supp. 1968) 40
Sec. 307 (Supp. 1968) 71
Sec. 308 (1956) 182
Sec. 308 (Supp. 1968) 182
Sec. 399-450-01 (Supp. 1968) 82
Sec. 431 (1956) 82
Sec. 432 (1956) 81
Sec. 437 (1956) 83
Sec. 439 (1956) 82
Sec. 440 (1956) 82
Sec. 443 (1956) 81
Sec. 447 (1956) 81
Sec. 448 (1956) 80
Sec. 461 (1956) 80

Sec. 461 (f) (Supp. 1968) 92
Sec. 479 (1956) 360, 361, 363, 364
Sec. 539 (1956) 349
Sec. 586 (1956) 349
Sec. 657 (1956) 91
Sec. 668 (1956) 182
Sec. 671 (Thompson, Dilliard & Campbell 1892) 369
Sec. 672 (1956) 360, 361, 363, 364
Sec. 735 (1956) 68
Sec. 833 (1956) 194
Sec. 1216.1 (Supp. 1968) 246
Sec. 1220.1 (Supp. 1968) 246
Sec. 1224.1 (Supp. 1968) 246
Sec. 1309 (1956) 84
Sec. 1395.1 (Supp. 1968) 246
Sec. 1396.1 (Supp. 1968) 246
Sec. 1398.1 (Supp. 1968) 246
Sec. 1421 (1956) 260
Sec. 1453 (Supp. 1968) 296
Sec. 1454 (1956) 246
Sec. 1464 (1956) 368
Sec. 1525 (1956) 256
Sec. 1536 (Campbell 1880) 368
Sec. 1538 (1956) 263, 269
Sec. 1545 (1956) 67
Sec. 1659 (1956) 257
Sec. 1712 (1956) 257
Sec. 1761.5 (Supp. 1968) 610
Sec. 1762 (1956) 104
Sec. 1766 (Supp. 1968) 104
Sec. 1801 (1956) 247, 269
Sec. 2414 (1956) 355
Sec. 2415 (1956) 355
Sec. 2415.5 (Supp. 1968) 355
Sec. 2558 (1956) 103
Sec. 2573 (1956) 100
Sec. 2574 (1956) 100
Sec. 2575 (1956) 100, 104
Sec. 2575.5 (Supp. 1968) 99, 103
Sec. 2735 92
Sec. 2735 (1956) 80
Sec. 2748-02 (Supp. 1968) 97
Sec. 2749-82 (Supp. 1968) (eminent domain chapter) 490
Sec. 2783 (1956) 70
Sec. 3130 (1956) 105
Sec. 3235 (Supp. 1968) 105
Sec. 3374-112 (Supp. 1968) 471
Sec. 3590 (Supp. 1968) 154, 159
Sec. 3593 (1956) 276
Sec. 3594 (Supp. 1968) 154, 278
Sec. 4054-01 (1956) 13
Sec. 4054-02 (1956) 13
Sec. 5205 (1942) 181
Sec. 5205 (Supp. 1968) 180, 181
Sec. 5590 (Supp. 1968) 40
Sec. 5591-01 *et seq.* (Supp. 1968) . 40, 43
Sec. 5591-09 (Supp. 1968) 77
Sec. 5591-14 (a) (Supp. 1968) 50
Sec. 5591-14 (b) (Supp. 1968) 67
Sec. 5591-31 *et seq.* (Supp. 1968) .. 40
Sec. 5591-35 (Supp. 1968) 77
Sec. 5591-36 (Supp. 1968) 42, 77
Sec. 5929-01-17 (1952) 357, 358
Sec. 5948 (Supp. 1968) 168
Sec. 6132-01-112 (Supp. 1968) 225
Sec. 6336-19 (Supp. 1968) 291
Sec. 6907 (1952) 80
Sec. 6909-01 *et seq.* (1952) 84
Sec. 6909-02 (1952) 81, 82, 84
Sec. 6909-03 (1952) 84
Sec. 6909-04 (Supp. 1968) 84
Sec. 6909-05 (1952) 85
Sec. 6909-06 (1952) 85
Sec. 6909-07 (1952) 85
Sec. 6909-08 (1952) 85
Sec. 6911 (1952) 85
Sec. 6957 *et seq.* (1952) 108
Sec. 6958 (1952) 108, 109
Sec. 6959 (1952) 109
Sec. 6960 (1952) 109
Sec. 6962 (1952) 110
Sec. 6963 (1952) 110
Sec. 6998-01 (Supp. 1968) 242
Sec. 6908-02 (3) (Supp. 1968) 244
Sec. 6998-02 (19) (Supp. 1968) 233
Sec. 6998-03 (Supp. 1968) 235
Sec. 6998-07 (1952) 235
Sec. 6998-07 (Supp. 1968) 235
Sec. 6998-09 (1952) 235
Sec. 6998-09 (Supp. 1968) 235
Sec. 6998-13 (q) (Supp. 1968) 234
Sec. 7106-111-136 (Supp. 1968) 358
Sec. 8037 (1956) 294
Sec. 8075-01 *et seq.* (Supp 1968) .. 40, 43
Sec. 8075-13 (4) (Supp. 1968) 50

Mississippi Laws

Miss. Code of 1930 Sec. 1580 235
Chapter 305, Laws of 1962, amending Miss. Code Ann. § 1640 (1956) 509
Miss. Gen. Laws ch. 312 (1968) 246

Federal

U.S. Constitution

Article III, Section 2 ..... 453, 455
Article IV, Section 1 ..... 500, 502

U.S. Code

5 U.S.C. 701 *et seq.* (Supp. IV, 1968) 439
5 U.S.C. 703 (Supp. IV, 1968) 439
7 U.S.C. 701 (Supp. IV, 1968) 439
7 U.S.C. 1281 *et seq.* (1964) 422
7 U.S.C. 1341 (1964) 423
7 U.S.C. 1341-50 (1964) 422
7 U.S.C. 1342 (1964) 423
7 U.S.C. 1343 (1964) 423
7 U.S.C. 1344 (a) (1964) 423
7 U.S.C. 1344 (b) (1964) 423
7 U.S.C. 1344 (e) (1964) 423
7 U.S.C. 1344 (f) (1964) 424
7 U.S.C. 1344 (f) (2) (1964) 424
7 U.S.C. 1344 (f) (3) (1964) 424
7 U.S.C. 1344 (f) (6) (1964) 424
7 U.S.C. 1344 (f) (8) (1964) 424
7 U.S.C. 1361-68 (1964) 424
7 U.S.C. 1363 (1964) 425
7 U.S.C. 1365 (1964) 432, 434
7 U.S.C. 1366 (1964) 432, 435
7 U.S.C. 1376 (1964) 440
15 U.S.C. 1021 (1964) 74
15 U.S.C. 1601 *et seq.* (Supp. IV, 1969) 38
15 U.S.C. 1605 (Supp. IV, 1969) .. 44
15 U.S.C. 1605 (a) (Supp. IV, 1969) 45
15 U.S.C. 1631-41 (Supp. IV, 1969) 44
15 U.S.C. 1633 (Supp. IV, 1969) .. 39, 45
15 U.S.C. 1638 (b) (Supp. IV, 1969) 50
15 U.S.C. 1661 *et seq.* (Supp. IV, 1969) 38, 39
15 U.S.C. 1662-64 (Supp. IV, 1969) 49
15 U.S.C. 1671 *et seq.* (Supp. IV, 1969) 38, 39
15 U.S.C. 1672 (b) (Supp. IV, 1969) 71
15 U.S.C. 1673 (a) (2) (Supp. IV, 1969) 71
15 U.S.C. 1674 (Supp. IV, 1969) .. 73
15 U.S.C. 1677 (Supp. IV, 1969) .. 71
18 U.S.C. 891 *et seq.* (Supp. IV, 1969) 38, 39
28 U.S.C. 41 (8) (1940) 443
28 U.S.C. 1331 (1964) 383, 443
28 U.S.C. 1332 (1964) 383
28 U.S.C. 1332 (a) (1964) 383, 384
28 U.S.C. 1333 384
28 U.S.C. 1334 384
28 U.S.C. 1335 384
28 U.S.C. 1335 (a) (1) (1964) 386
28 U.S.C. 1336 384
28 U.S.C. 1337 (1964) 164, 384, 443
28 U.S.C. 1338 384
28 U.S.C. 1339 384
28 U.S.C. 1340 384
28 U.S.C. 1343 384
28 U.S.C. 1391 (e) (1964) 442
28 U.S.C. 1441 (1964) 255
28 U.S.C. 1441 (b) (1964) 164
28 U.S.C. 1450 (1964) 166
28 U.S.C. 1732 (1964) 605, 611
28 U.S.C. 1738 (1964) 500, 502
28 U.S.C. 2106 504
28 U.S.C. 2111 (1964) 504
28 U.S.C. 2201 (1964) 441
28 U.S.C. 2283 (1964) 396
29 U.S.C. 104 (1964) 160, 161, 627
29 U.S.C. 141-531 (1964) 627
29 U.S.C. 185 (a) (1964) 160, 627
29 U.S.C. 203 (e) (g) (u) (Supp. IV, 1969) ..410, 411, 412, 413, 418, 419
29 U.S.C. 206 (a) (1) (Supp. IV, 1969) 71, 409, 412, 414, 418
29 U.S.C. 206 (a) (5) (Supp. IV, 1969) 409
29 U.S.C. 212 (a) (1964) 419
29 U.S.C. 213 (a) (6) (Supp. IV, 1969) 409, 410, 411, 413 414, 419, 420
29 U.S.C. 213 (b) (12) (Supp. IV, 1969) 409
33 U.S.C. 466 (1948) 356
33 U.S.C. 466g (b) (1948) 356
33 U.S.C. 466k (1948) 356
33 U.S.C. 466 (Supp. IV, 1965)..... 357
33 U.S.C. 466 (b) (Supp. IV, 1965) . 357
33 U.S.C. 466n (Supp. IV, 1965) ... 357
39 U.S.C. 4008 (a) (1964) 137
43 U.S.C. 1332 (1964) 169
46 U.S.C. 688 (1964) 142, 169
46 U.S.C. 740 (1964) 173
46 U.S.C. 761 *et seq.* (1964) 169
46 U.S.C. 761-67 (1964) 151

Federal Legislature

Higher Education Act of 1965, Pub. L. No. 89-329, 79 Stat. 1219 (Nov. 8, 1965) 131
Higher Education Act of 1965, as amended, Pub. L. No. 90-575, 82 Stat. 1048-49 (Oct. 16, 1968) .. 131
Fair Labor Standards Act 408, 410 411, 412, 413, 414, 415, 418, 419, 421

Internal Revenue Code of 1939, Ch. 1
Sec. 23 (f), 24 (a) (27-3) 464

Internal Revenue Code of 1939
Sec. 113 (a) (13) 314
Sec. 3797 (a) (2) 310

Internal Revenue Code of 1954
Sec. 72 459
Sec. 165 (a) 464
Sec. 165 (c) 465
Sec. 446 317
Sec. 691 (a) 337
Sec. 691 (c) 337
Sec. 701 312
Sec. 702 (a), 703 (a) (1) 312
Sec. 704 (c) (1) 315
Sec. 704 (d) 316
Sec. 705 (a) 317
Sec. 705 (b) 316, 317
Sec. 706 (b) 318
Sec. 706 (c) 319, 336, 337
Sec. 708 (b) 318, 319, 320
Sec. 721 ..... 313, 314
Sec. 722 ..... 313, 315, 316, 322, 326
Sec. 723 ..... 313, 315
Sec. 731 331
Sec. 731 (a) 330, 331, 332
Sec. 734 (a) 326
Sec. 734 (b) 331
Sec. 735 ..... 325, 331
Sec. 736 333
Sec. 736 (a) 330, 335
Sec. 736 (b) 334
Sec. 741 ..... 316, 322, 323
Sec. 742 316
Sec. 743 (b) 326, 328
Sec. 751 (a) 323
Sec. 751 (b) 331, 333
Sec. 751 (c) 323, 332
Sec. 751 (d) 324, 325, 332
Sec. 752 (d) 322
Sec. 761 (a) (1), (2) 311
Sec. 761 (a) 310
Sec. 761 (c) 314
Sec. 1001 (a) 322
Sec. 1014 (c) 337
Sec. 1223 ..... 325, 326

Military Selective Service Act of 1967
50 U.S.C. App. § 456 (j) 621

National Defense Act of 1917, ch. 15, § 4, 40 Stat. 78 618

Norris-La Guardia Act
29 U.S.C. § 104 (1969) 627, 628

Norris-La Guardia Act § 4 631
Norris-La Guardia Act § 7 633
Norris-La Guardia Act § 301 .... 630, 633

Selective Service Act of 1948, ch. 625, § 6 (j), 62 Stat. 612 619

Selective Training and Service Act of 1940,
50 U.S.C. § 456 (1964) 619

Taft-Hartley Act,
29 U.S.C. § 185 (1964) 627, 628

Taft-Hartley Act § 301 ..... 629, 630

H.R. 11656, 14832, 91st. Cong., 1st. Sess. (1969) 385
S. 1980, 91st. Cong., 1st. Sess. (1969) 385, 394
S. Rep. No. 1487, 89th. Cong., 2d Session 19 (1966) 412
U.S.C.C. & A.N., 2, 89th. Cong., 2d Sess., 3012 (1966) 412

Statutes Pub. L.

49 Stat. 1561 (1936) 605

Other States

Arizona
Rev. Stat. Ann. § 12-2262 (B) (1956) 606

California
Const. art. 6, § 1b 10
Const. art. 6, § 10b 10
Const. art. 6, § 8 10
Const. art. 8, § 18 10

Florida
Stat. Ann. § 92.36 (Supp. 1970) .. 610
Stat. § 222.11 (1956) 72

Georgia
Code Ann. § 9-401.1 (Supp. 1969) .. 121

Illinois
Ann. Stat. ch. 85 §§ 1-101 *et seq.* (Smith-Hurd 1966) 481

Louisiana
Civ. Code Ann., art. 2315 (West 1952) 170

Maryland
Ann. Code, art. 35, § 59 (1957) 610
Ann. Code, art. 66A, §§ 1-26 (1957) 617

Massachusetts
Ann. Laws, ch. 152, § 7A (1965) .. 241
Ann. Laws, ch. 233, § 78 (1956) 610

Michigan
Stat. Ann. § 3.996 (107) (Rev. 1969) 481

Minnesota
Stat. Ann. § 466.02 (1963) 480

Nebraska
Rev. Stat. § 25-1558 (1964) 72
Rev. Stat. § 25-12109 (1964) 606

New York
Const. art. 6, § 22 10
Civ. Prac. Law and Rules § 4518 (McKinney 1963) 605
Pers. Prop. Law § 48-a (McKinney 1961) 72
Workman's Comp. Law, § 21 (McKinney 1965) 241

New Mexico
Stat. Ann. § 20-2-12 (1953) 610

Ohio
Rev. Code Ann. § 2715-30 (Page 1953) 72

Oklahoma
Stat. Ann., ch. 1, app. 1 (Supp. 1969) 122

Pennsylvania
Stat. Tit. 42, § 886 (1966) 72

Texas
Const. art. 16, § 28 72

Utah
Code Ann., § 49-7-8 (Supp. 1969) .. 11

Uniform Codes

Federal Rules of Civil Procedure
13 (a) 506
23 379
23 (a) (3) 380
23 (b) (1) (A), 23 (b) (1) (B), (b) (2), (b) (3) . .383, 384
23 (b) (2), (b) (3) 381
42 (a) 506
81 (c) 255
Model Probate Code
Sec. 184 (a) (1945) 351
Uniform Business Records as Evidence Act 605, 606
Uniform Commercial Code
Sec. 1-102 (2) (b) (1962) 37
Sec. 1-102 (3) (1962) 37
Sec. 9-404 (1) 62
Uniform Commercial Credit Code
Sec. 1.102 (1) (f) 39
Sec. 1.102 (2) 36
Sec. 1.103 40
Sec. 1.301 (6) 46
Sec. 1,301 (9) 46
Sec. 1.301 (16) 46
Sec. 2.108 46
Sec. 2.201 ..... 41, 42
Sec. 2.201 (2) (b) 42
Sec. 2.202 75
Sec. 2.203 75
Sec. 2.204 75
Sec. 2.205 75
Sec. 2.207 (3) 41
Sec. 2.209 75
Sec. 2.301 (2) (b) 39
Sec. 2.302 (1) (a) 46
Sec. 2.302 (1) (b) 46
Sec. 2.306(2) 47, 48
Sec. 2.310(1) 48
Sec. 2.312 ..... 48, 49
Sec. 2.313 (1) 49
Sec. 2.403 54
Sec. 2.404 (1) 55
Sec. 2.405 75
Sec. 2.407 66
Sec. 2.407 (1) 65, 66
Sec. 2.408 66
Sec. 2.410 68
Sec. 2.413 75
Sec. 2.414 75
Sec. 2.501 60
Sec. 2.502 60

Sec. 2.503 (2) 61
Sec. 2.504 ..... 62, 63
Sec. 2.505 63
Sec. 3.108 46
Sec. 3.201 ..... 41, 42
Sec. 3.202 75
Sec. 3.203 75
Sec. 3.204 75
Sec. 3.205 75
Sec. 3.209 75
Sec. 3.301 (2) (b) 39
Sec. 3.302 (1) (a) 46
Sec. 3.302 (1) (b) 46
Sec. 3.306 (2) 47, 48
Sec. 3.309 (1) 48, 49
Sec. 3.310 48
Sec. 3.311 ..... 48, 49
Sec. 3.312 (1) 49
Sec. 3.402 75
Sec. 3.404 75
Sec. 3.405 75
Sec. 3.503 ..... 41, 42
Sec. 3.508 ..... 41, 42
Sec. 3.508 (2) (b) 42
Sec. 5.104 to 5.106 68
Sec. 5.105 (2) 71
Sec. 5.107 76
Sec. 5.108 76
Sec. 5.301 76
Sec. 5.302 76
Sec. 6.101 *et seq.* 41
Uniform Rules of Evidence
Rule 63 (13) and (14) 605

Foreign

Occupiers Liability Act, 5 and 6 Eliz., 2, ch. 31 (England, 1957) .. 574

Quasi-Statutory

Mississippi Supreme Court
Rule 41 508
A.B.A. Canon of Judicial Ethics
No. 4 3
No. 24 4
No. 25 4
No. 26 ..... 4, 5
7 Code of Federal Regulations
Sec. 711 (1969) 433
Sec. 711.12 (1969) 427
Sec. 711.13 (1969) 425
Sec. 711.13 (1969) 426
Sec. 711.2 (d) (1969) 426
Sec. 711.25 (1969) 430
Sec. 780 (1969) 433
Sec. 780.3 (1969) 441, 442
Sec. 780.3 (1970) 433
Treasury Regulations
Sec. 1.1245-1 (e) (3), (4) (1965) 328
Sec. 1.446-1 (c) (ii) (1961) 324
Sec. 1.691-1 (a) (3), (b) (1) (1965) 337
Sec. 1.705-1 (a) (1) (1956) 316
Sec. 1.705-1 (a) (2) (i) (1956) . 317
Sec. 1.705-1 (b) (1956) 316, 317
Sec. 1.706-1 (b) (1) (ii) (1956) 318
Sec. 1.706-1 (b) (1) (iii) (1956) 318
Sec. 1.706-1 (c) (1) (1956) 319
Sec. 1.706-1 (c) (2) (i), (3) (i) (1956) 319
Sec. 1.706-1 (c) (2) (ii) (1956) 337
Sec. 1.706-1 (c) (3) (iv) (1956) 338
Sec. 1.706-1 (c) (3) (v) (1956) 337
Sec. 1.706-1 (c) (4) (1956) 337
Sec. 1.706-1 (c) (5) (1956) 319
Sec. 1.707-1 (a) (1956) 315
Sec. 1.708-1 (a) (1956) 320
Sec. 1.708-1 (b) (1) (i) (1956) 320
Sec. 1.708-1 (b) (1) (i) (a) (1956) 320
Sec. 1.708-1 (b) (1) (ii) (1956) 320
Sec. 1.708-1 (b) (1) (iv) (1956) 330
Sec. 1.708-1 (b) (i) (b) (1956) 319
Sec. 1.708-1 (b) (iii) (1956) 319, 320
Sec. 1.721-1 (a) (1956) . 313, 314, 315
Sec. 1.721-1 (b) (1) (1956) . 313, 315
Sec. 1.723-1 (1956) 316
Sec. 1.736-1 (a) (1) (i) (1965) 334
Sec. 1.736-1 (a) (1) (ii), (a) (6) (1956) 320
Sec. 1.736-1 (a) (3), (4) (1965) 335
Sec. 1.736-1 (a) (6) (1965) ... 338
Sec. 1.736-1 (b) (2) (1965) ... 334
Sec. 1.736-1 (b) (3) (1965) 334, 335
Sec. 1.736-1 (b) (5) (1965) ... 336
Sec. 1.731-1 (a) (2) (1956) 331, 332
Sec. 1.731-1 (c) (3) (1956) . 315, 320
Sec. 1.732-1 (c) (1956) 329
Sec. 1.732-1 (c) (2) (1956) ... 331
Sec. 1.732-1 (d) (1) (iv) (1956) 329
Sec. 1.732-1 (d) (1) (v) (1956) 329
Sec. 1.732-1 (d) (2) (1956) ... 328
Sec. 1.732-1 (d) (3) (1956) 328
Sec. 1.732-1 (d) (4) (1956) 329

Sec. 1.735-1 (b) (1965) 325
Sec. 1.742-1 (1956) 316, 337
Sec. 1.743-1 (b) (1956) 327
Sec. 1.743-1 (b) (1) (1956) 328
Sec. 1.743-1 (b) (2) (i) (1956) 328
Sec. 1.743-1 (b) (2) (iv) (1956) 327
Sec. 1.743-1 (b) (3) (1956) 327
Sec. 1.743-1 (c) (1956) 327
Sec. 1.751-1 (1965) 333
Sec. 1.751-1 (a) (1965) 323
Sec. 1.751-1 (b) (2) (1965) 333
Sec. 1.751-1 (c) (1) (1965) 324
Sec. 1.751-1 (c) (2) (1965) . 324, 325
Sec. 1.751-1 (d) (2) (ii) (1965) 325
Sec. 1.755-1 (1956) 331
Sec. 1.761-1 (a) (1) (1957) 311
Sec. 1.761-1 (a) (2) (ii) (1956) 312
Sec. 1.761-1 (a) (2) (iii) (1956) 312
Sec. 1.761-1 (a) (2) (iv) (b) (1956) 311
Sec. 1.761-1 (c) (1956) 314

SUPREME COURT DECISIONS AVAILABLE

Briefs of all Mississippi Supreme Court cases are available on a weekly basis. Staff members of the *Mississippi Law Journal* brief the opinions, and the recipient is informed of the important aspects of each opinion before the case is printed in the regional reporter. The briefs are mailed by Friday of the week in which the decisions are rendered. The cost of the subscription is $15.00 per year.

Send Subscription Order to

MISSISSIPPI LAW JOURNAL

P. O. Box 146

University, Mississippi 38677

WILLIAM S. HEIN AND COMPANY

369-79 Niagara Street

Buffalo, New York 14201

is

the exclusive sales agent

for

BACK ISSUES, VOLUMES, and SETS

of the

MISSISSIPPI LAW JOURNAL

outside the State of Mississippi

Mississippi Bar Members interested in purchasing

back issues may still obtain them directly from

THE MISSISSIPPI LAW JOURNAL

BOX 146

UNIVERSITY, MISSISSIPPI 38677

Every Mississippi Law Library Should Contain:

MISSISSIPPI CODE, ANNOTATED, Recompiled Edition,
15 volumes, including Current Pocket Parts $144.00
1968 Pocket Parts, SEPARATELY 42.50

BUNKLEY and MORSE'S AMIS DIVORCE and
SEPARATION IN MISSISSIPPI with FORMS
and 1970 Pocket Part 25.00
1970 Pocket Part, SEPARATELY 6.00

DUNN, MISSISSIPPI WORKMEN'S COMPENSATION LAW
and PRACTICE, Second Edition plus 1970 Supplement 25.00

GRIFFITH, MISSISSIPPI CHANCERY PRACTICE,
Revised Edition, 1950 ..... 20.00

McELROY, MISSISSIPPI EVIDENCE, 1955 ..... 20.00

MORSE, MISSISSIPPI LEGAL FORMS ANNOTATED,
3 volumes, inc. 1965. Bound Supplement 60.00
1965 Bound Supplement, SEPARATELY 25.00

MORSE, WILLS and ADMINISTRATION IN MISSISSIPPI,
1968 ..... 25.00

WINGO, MISSISSIPPI CRIMINAL LAW and PROCEDURE,
1951 with 1965 Pocket Parts 20.00
1965 Pocket Parts, SEPARATELY 6.00

ANDERSON, DECLARATORY JUDGMENTS,
Second Edition, 3 volumes and 1959 Pocket Parts 65.00

CHANDLER, TRIAL OF JESUS FROM A LAWYER'S
STANDPOINT, Reprint Edition 10.00

KOOMAN, FEDERAL CIVIL PRACTICE, 4 Binder Vols.,
(Volumes 1 and 3 NOW READY) 140.00

NADLER, THE LAW OF BANKRUPTCY,
Second Edition, 1965 (Binder Volume) with 1969 Supplement 38.00

NADLER, THE LAW OF DEBTOR RELIEF, with Current
(1969) Pocket Part 25.00
SPECIAL COMBINATION price for BOTH of the
NADLER BOOKS in ONE order 60.00

ROLLISON and ESHELMAN, Forms for
Wills and Estate Planning, 1967 ..... 25.00

WATKINS' SHIPPERS and CARRIERS, 5th Ed., 2 Vols.
With 1967 Pocket Parts 50.00

Descriptive folders and terms mailed upon request.

THE HARRISON COMPANY

LAW BOOK PUBLISHERS

178-180 Pryor St., S.W. (P. O. Box 4214) Atlanta, Georgia 30302

MISSISSIPPI REPRESENTATIVE

BEN A. HINSON

HANDLING FUNDS? TAKE ON A PARTNER.

First Federal of Jackson is the choice of scores of Mississippi lawyers as a safe, profitable place to earn on estate funds. But recently, we've added something new: Daily Interest. Daily Interest is a good way to earn interest on short-term investments, either your own idle operating funds or funds which will be transferred in a short time.

Here's how it works: money deposited at First Federal in a Daily Interest Account starts earning the minute you put it in, and interest is paid till the day you take it out—no matter when you decide to take it out. There's no minimum time required, and accounts are insured by the FSLIC, an agency of the United States.

Of course, for estate funds and other large sums, First Federal offers 5¼% Certificates of Investment, available with a $1,000 minimum. Certificates of Investment are a safe, sure way to earn a good return for you or your clients.

For your convenience, accounts may be opened, maintained, and drawn upon entirely by mail. Each transaction is held in the strictest confidence. Join the growing number of Mississippi lawyers who look to First Federal of Jackson as a profitable partner for handling funds of all types.

First Federal of Jackson: where interest is paid daily

CAPITOL AT STATE/WESTLAND/MEADOWBROOK/YAZOO CITY/McLAURIN MART/JACKSON MALL